

**DOCKETED**

<b>Docket Number:</b>	08-AFC-07C
<b>Project Title:</b>	GWF Tracy (Compliance)
<b>TN #:</b>	238623
<b>Document Title:</b>	Petition to Amend (PTA) the Commission Decision for Temporary Laydown Yard for the April 2022 Planned Outage
<b>Description:</b>	
<b>Filer:</b>	Anwar Ali
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	7/1/2021 3:51:50 PM
<b>Docketed Date:</b>	7/1/2021

# *MRP San Joaquin Energy, LLC*

June 21, 2021

Mr. Anwar Ali  
Compliance Project Manager  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA. 95814

Reference: MRP- San Joaquin Energy, LLC. Tracy Combined Cycle Power Plant  
Facility No. 08-AFC-07

Subject: Petition to Amend Package for Tracy Combined Cycle Power Plant  
Temporary Laydown Yard

Dear Mr. Ali,

Enclosed please find the Petition to Amend Package for Tracy Combined Cycle Power Plant Temporary Laydown Yard in accordance with § 1769. Post Certification Petition for Changes in Project Design, Operation or Performance. This petition is submitted as a response to the request of the CEC per the Project Change Questionnaire submitted April 20, 2021.

If you have any questions regarding this report, please contact Taylor Leach at (209-2757079 or e-mail: [Taylor.Leach@naes.com](mailto:Taylor.Leach@naes.com)).

Sincerely,



Claude Couvillion  
Vice President of Operations

Middle River Power, LLC (MRP) hereby requests a modification to the license for the Tracy Combined Cycle Power Plant (AFC No. 08-AFC-07) pursuant to Title 20, California Code of Regulations, Section 1769(a)(1). The requested modification would allow for a temporary laydown area to accommodate trailers, parking, and staging of equipment for the upcoming April 2022 major outage. As set forth below, there is no possibility that the requested modification will have a significant effect on the environment. Nor will the requested modification result in a change or deletion of a condition or make changes that would cause the project not to comply with any applicable laws, ordinances, regulations, or standards. Therefore, the requested modification can be approved at the staff level as Staff Approved project Change (SAPC) pursuant Title 20, California Code of Regulations, Section 1769(a)(1).

### Background

On March 24, 2010, the California Energy Commission (Commission) issued a license for Tracy Combined-Cycle Power Plant, a 330 MW combined cycle generating facility. Tracy Combine-Cycle Power Plant is located in an unincorporated portion of San Joaquin County, immediately southwest of the City of Tracy and approximately 20 miles southwest of Stockton. Tracy Combined-Cycle Power Plant occupies a fenced 16.38-acre site within a 40-acre parcel. The property is bounded by the Delta-Mendota Canal to the southwest, agricultural property to the south and east, and the Union Pacific Railroad to the north. Immediately north of the railroad are the Owens-Brockway glass container manufacturing plant and the Nutting-Rice warehouse. The power plant area is accessed via an existing 3,300-foot, asphalt-paved service road southward from W. Schulte Road.

Tracy Combined-Cycle Power Plant has a major outage planned for April 2022 which occurs approximately every ten years. Due to the complexity and scope of the outage, the facility is required to utilize outside contractors for a portion of the required work. The total number of staff and amount of equipment needed to complete the outage successfully will require space that cannot be accommodated within the fenced in area of the powerplant plant. Therefore, a temporary laydown yard no greater than 1 acre in size, serving as extra space for office trailers, parking, and staging of equipment is being proposed. The temporary laydown yard is being proposed in an area that has been previously used as a laydown yard.

The location of the laydown yard will be Northeast of the facility fence line within the 40-acre parcel owned by Middle River Power, LLC. This area of land has been characterized as ruderal nonnative grassland on leveled former agricultural land which has been previously disturbed by industrial and agricultural practice. During the 2011 and 2012 construction to convert Tracy Peaker Plant (TPP) to a combined cycle power plant, 12.3-acres of the same land was disturbed as a construction laydown and parking area. The California Energy Commission (CEC) determined at that time that there were no significant direct, indirect, or cumulative adverse impacts to biological resources, and that the project conformed with all applicable laws, ordinances, regulations, and standards (LORS).

MRP San Joaquin Energy, LLC is seeking approval to construct a temporary < 1 acre laydown yard to accommodate increased equipment and personnel during the April major outage for a period of approximately 30 - 45 days of use. It is the facilities plan to stage the area approximately 1 month prior to the outage and return the area to its current state within 1 month of the completion of the outage.

### 20 CCR Section 1769 Information Requirements

The following subsections contain the information required pursuant to Title 20, California Code of Regulations, Section 1769(a)(1).

#### A. Description of Proposed Project Changes

Section 1769(a)(1)(A) requires, “A complete description of the proposed change, including new language for any conditions of certification that will be affected”

A major outage for the Tracy Combined-Cycle Power Plant is planned for April 2022. Due to the complexity of the scope of the outage, approximately 150 additional personnel will be required on-site to complete the work. The area within the fence line of the facility is not large enough to accommodate parking, work, equipment, and administrative staging required by the additional personnel. Therefore, a temporary laydown yard will need to be constructed to allow for the outage to be completed in a safe, efficient, and timely manner.

The proposed modification would allow a temporary laydown yard approximately < 1 acre in size to be constructed just outside of the facilities Northeast fence. The construction of the temporary laydown yard will only involve minor grading of previously disturbed land to clear the area. The area would be covered with road mix or gravel in the necessary areas to prevent any unnecessary erosion and allow for water drainage should a rain event occur and would be accessed via an existing gravel road. Construction would begin one month prior to the outage and be utilized for approximately 30 – 45 days, once the outage has commenced the land will be returned to its original state within one month. A site map with the proposed modifications can be found in Attachment 1.

No Conditions of Certification would be affected by this proposed modification.

#### B. Necessity of Proposed Change

Section 1769(a)(1)(B) requires, “A discussion of the necessity for the proposed change and an explanation of why the change should be permitted”

The proposed temporary modification will be necessary for Tracy Combined-Cycle Power Plant to conduct and complete the major outage successfully. The additional staff will require parking, work areas, and administrative staging that the fenced area simply cannot accommodate due to the lack of size. To complete the outage in a safe, efficient, and timely manner, a temporary laydown yard will need to be constructed just outside of the facilities fence line.

This temporary modification should be permitted to ensure that the April 2022 outage is completed successfully and in a timely manner to ensure the reliability of the bulk power system. The temporary laydown yard will help ensure a safe and efficient workspace for the approximately 150 additional staff that will be onsite during the outage.

#### C. New information or change in circumstances that necessitated the change

Section 1769(a)(1)(C) requires, “A description of any new information or change in circumstances that necessitated the change”

The need for a temporary additional laydown area was not known during the initial certification proceeding and could not have been predicted. The scope of the major outage for 2022 can only be predicted as time passes and as inspections of the equipment occurs closer to the outage. It was only discovered during the bidding process for the 2022 major outage, that some of the contractors would require additional laydown area for the work to be completed in a safe, efficient, and cost-effective manner. The laydown yard required for the outage will only be temporary and no Conditions of Certification would be affected by this proposed modification.

#### D. Analysis of the effects that the proposed change will have on the environment and mitigation measures proposed

Section 1769(a)(1)(D) requires, “An analysis of the effects that the proposed change to the project may have on the environment and proposed measures to mitigate any significant environmental effects”

An analysis of the environmental areas included in the Application of Certification (AFC) is presented below.

##### A. Biological Resources

Biological Surveys were conducted in 2001 for the construction of TPP and reconnaissance surveys were conducted in 2007 and 2008 for the construction of Tracy Combined-Cycle Power Plant. The temporary laydown area will affect approximately < 1 acre of land characterized as, “ruderal nonnative grasses on leveled former agricultural land that lacks surface hydrology, seasonal ponding, and native vegetation” in the March 2010 AFC. The parcel has been disturbed by current and past industrial and agricultural development and currently has nonnative grassland coverage. (see attached pictures)

According to the Findings of fact for the 12.3-acre laydown yard used during the construction of the Tracy Combined-Cycle Power Plant in 2011 and 2012 published in the March 2010 AFC. The 40-acre parcel provides little or no habitat value for common or special status plant or animal species. No special status species exist on the project site, and the project will not create significant adverse effects to any protected species. The requirements of the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) will be enforced during the maintenance outage. The temporary workforce will receive training on these applicable requirements per the Worker Environmental Awareness Program (WEAP).

This temporary project shall take place within the 34.6-acres of habitat that were mitigated for prior to TPP project and should not require additional financial mitigation.

##### B. Soil and Water Resources

The use of the temporary laydown area will require additional water for dust suppression. Water for the dust suppression will be minimal and it is not anticipated to affect groundwater or stormwater. Approximately 650 gallons per day (GPD) of water will be available for dust suppression when necessary. Gravel/Grizzley pads will be utilized as necessary at the entrance and exit of the temporary laydown yard to prevent track out of soil.

##### C. Cultural Resources

The temporary laydown area is in an area that has previously been disturbed during construction and operation of the current site and has been historically disturbed by agricultural activities.

As part of the construction of the TPP, a complete cultural resources survey was performed and appropriate mitigation for impacts to cultural resources was implemented. It was determined that the cumulative impact to cultural resources is insignificant.

The temporary laydown area will not result in potential impacts greater than those analyzed in the March 2010 AFC.

##### D. Geologic and Paleontological Resource

The temporary laydown area has been subject to previous ground disturbance activities and there is no anticipation of ground disturbances greater than those assessed in the Final Decision.

Only minor grading of previously disturbed land will occur to clear the non-native growth and prepare the land for the laydown area. It is not expected that the soil will be disturbed more than 1 foot in depth. The presumed maximum depth of previous disturbances during the AFC was 3 feet from previous agricultural use.

#### E. Modification's Impact on LORS Compliance

Section 1769(a)(1)(E) requires, "An analysis of how the proposed change would affect the project's compliance with applicable laws, ordinances, regulations, and standards"

Approval of this modification will not impact Tracy Combined-Cycle Power Plant's ability to comply with applicable LORS.

#### F. Potential Effects on Public

Section 1769(a)(1)(F) requires, "A discussion of how the proposed change would affect the public."

Section 1769(a)(1)(H) requires, "A discussion of the potential effect of the proposed change on nearby property owners, residents, and the public"

The proposed temporary modifications would have no effect of the public and property owners beyond what was originally approved by the CEC.

The additional laydown area is temporary and will have no greater impacts than those assessed in the March 2010 AFC.

#### G. Modification's Impact on the Public and Nearby Property Owners

Sections 1769(a)(1)(G) requires, "A list of current assessor's parcel numbers and owner's names and addresses for all parcels within 500 feet of any affected project linears and 1000 feet of the project site"

See attachment 2.

#### Conclusion

For all the reasons set forth herein, MRP respectfully requests that staff approve the requested modification pursuant Title 20, California Code of Regulations, Section 1769(a)(1).

# Attachement 1

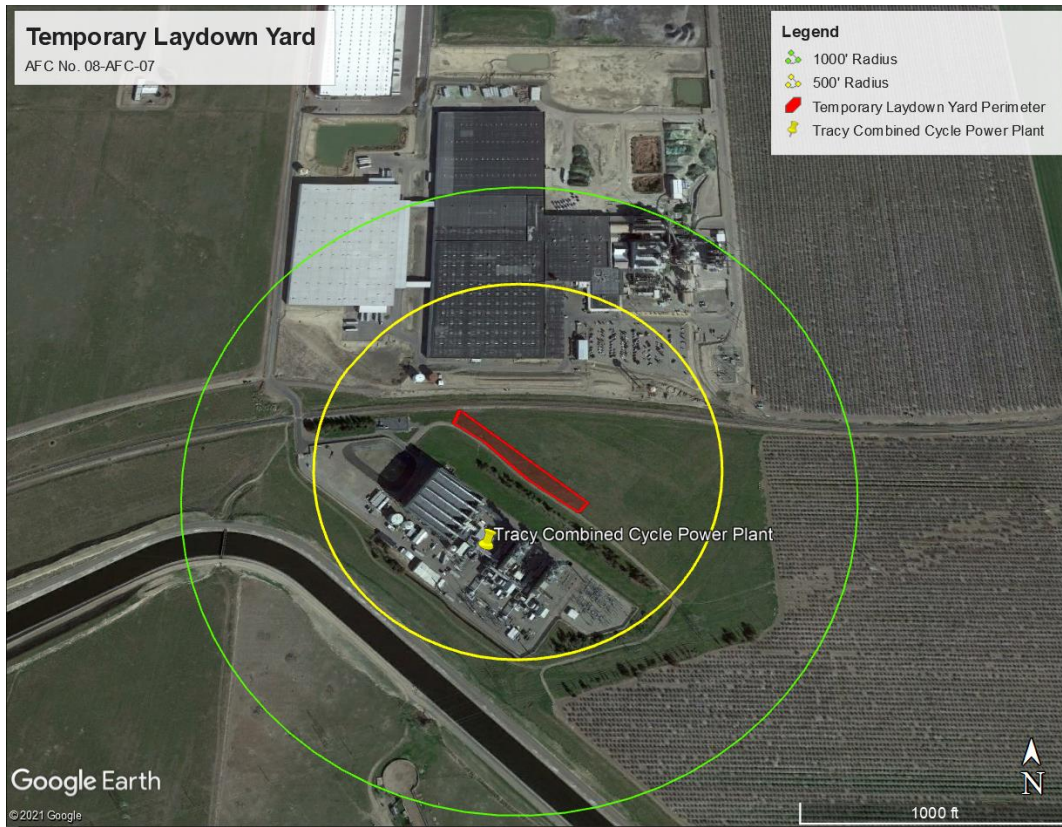


Image 1: Location of temporary laydown area

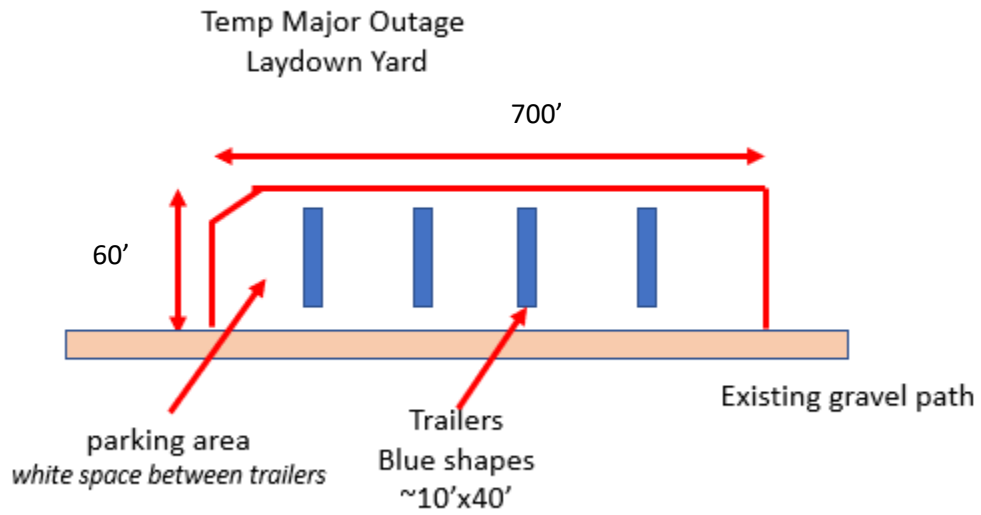


Image 2: Sketch of temporary laydown area









Image 5: Picture of gravel road accessing temporary laydown area.

## Attachment 2

<b>Current assessor's parcel numbers, owner's names, and addresses for all parcels within 500 feet of any affected project linears and 1000 feet of the project site</b>		
<b>Property Owner</b>	<b>Address</b>	<b>Assessor's Parcel No.</b>
United States of America	Re: 15178 W. Schulte Road Tracy, CA 95377 P.O. Box 92007, Los Angeles CA 90009	20923030
Frederick G Orlando	Re: 26722 S. Hansen Road 3535 Lariat Loop Road Cameron Park, CA 95682	20923005
Union Pacific Railroad Company	Attn: Barbara Holder Re: 997877 S. Hansen Road, Tracy, CA, T2S R4E Sec 35 1416 Dodge Street, Room 830 Omaha, NE 68179	20923016
Union Pacific Railroad Company	Attn: Barbara Holder Re: 997878 S. Hansen Road, Tracy, CA, T2S R4E Sec 35 1416 Dodge Street, Room 830 Omaha, NE 68179	20923017
Union Pacific Railroad Company A	Attn: Barbara Holder Re: 997879 S. Hansen Road, Tracy, CA, T2S R4E Sec 35 1416 Dodge Street, Room 830 Omaha, NE 68179	20923014
David J Pombo	Re: 997108 S. Hansen Road 25726 S Hansen Road Tracy, CA 95377	20923023
Cheun Hee Lee	Re: 26788 S. Hansen Road 414 33rd Avenue San Francisco, CA 94121	20924010
Russell Kagehiro Jepson Webb Ranch LLC	Re: 26977 S. Lammers Road 7200 W. 11th Street Tracy, CA 95377	20924390
Union Pacific Railroad Company	Attn: Barbara Holder Re: 997883 S. Lammers Road, Tracy, CA, T2S R4E Sec 35 1416 Dodge Street, Room 830 Omaha, NE 68179	20924021
Owens Illinois Glass Container Inc. Owens-Brockway Glass Container Inc	Re: 14700 W. Schulte Road Ernst & Young / Jim Beckman One Seagate, Suite 1200 Toledo, OH 43604	20924024
Nutting-Rice Tracy LLC	Re: 15000 W. Schulte Road Attn: Charles C. Wallace, Jr. One Websters Landing Syracuse, NY 13202	20924040
Kaler Ranjit S & Nirmaljit K Gerwal	Re: 14320 W. Schulte Rd, Tracy 95377488 Pagosa Way, Fremont, CA 94539	20924036
PG&E	RE: PARCEL 99B-7885-12 One Market, Spear Tower, Suite 2400 San Francisco, CA 94105	209240330
Mahal Family Trust	Re: No Address 965 Yakima Dr, Fremont CA 94539	20924026