Docket Number:	01-AFC-07C	
Project Title:	01-AFC-7C Russell City Energy Company	
TN #:	204817	
Document Title:	Russell City Energy Center Amendment No. 5 VIS-10	
Description:	Amendment of Visual Resources Condition of Certification VIS-10	
Filer:	Jonathan Fong	
Organization:	Russell City Energy Center	
Submitter Role:	Applicant	
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Docketed Date:	6/1/2015	

RUSSELL CITY ENERGY COMPANY, LLC

717 TEXAS AVENUE SUITE 1000 HOUSTON, TX 77002

Jonathan Fong Compliance Project Manager California Energy Commission 1516 Ninth Street, MS-2000 Sacramento, CA 95814

RE: AMENDMENT # 5

RUSSELL CITY ENERGY CENTER DOCKET NO. 01-AFC-7C

Dear Mr. Fong:

Pursuant to Section 1769 of the California Energy Commission (CEC) Siting Regulations, Russell City Energy Company, LLC has submitted Amendment No. 5 to Docket No. 01-AFC-7C ("Amendment #5") concurrent herewith.

Please contact me at (925)-570-0849 if you have any questions regarding this submittal.

Sincerely,

Barbara McBride

Director, Environmental Service

Russell City Energy Center

(01-AFC-7C)

Amendment No. 5

Submitted by

Russell City Energy Company, LLC

May 2015

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Attachment 1: VIS-10 Visual Enhancement Plan

Executive Summary

Russell City Energy Company, LLC, as project owner, petitions the California Energy Commission (CEC or Commission) to amend the certification for the Russell City Energy Center (RCEC) (01-AFC-7, issued September 11, 2002 and amended October 3, 2007), hereinafter "Decision." This Amendment No. 5 (Amendment) requests a modification of Visual Resources Condition of Certification VIS-10 to allow the project owner to provide additional visual enhancement measures in place of vegetation in certain locations.

Section 1.0 provides an overview of the Amendment and a review of the ownership of the project. Section 2.0 sets forth and describes the proposed modification to VIS-10 and addresses the necessity of the changes and the consistency of the changes with the Decision. Section 3.0 assesses the potential environmental effects of the proposed changes, the project's continued compliance with all laws, ordinances, regulations and standards, and the consistency of the changes with the Commission Decision certifying the facility. This assessment indicates that adoption of the Amendment will not result in any significant, unmitigated adverse environmental impacts. The project will continue to comply with all applicable laws, ordinances, regulations and standards. The findings and conclusions contained in the Commission Decision of October 3, 2007 amending certification of the RCEC are still applicable to the project.

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1.0 Introduction

1.1 Overview

By this amendment Russell City Energy Company, LLC, petitions the Commission to amend the certification for the project to modify the Visual Resources Condition of Certification VIS-10 to allow the project owner to provide additional visual enhancement measures in place of vegetation in certain locations.

The Russell City Energy Center project ("RCEC") is an approximately 600 megawatt natural gas-fired, combined cycle electric generating facility located in the City of Hayward in Alameda County. This project was certified by the California Energy Commission ("CEC" or "Commission") in September 2002,² and received an amended approval in October 2007,³ hereinafter "Decision." A petition to extend commencement of construction deadline by one year, from September 10, 2007 to September 10, 2008 was approved on August 29, 2007, and a petition to extend commencement of construction deadline by two years, from September 10, 2008 to September 10, 2010 was approved on July 30, 2008. Construction under the Decision of RCEC began in August 2010. Amendment No. 4, as filed with the Commission on November 13, 2012, contained proposed revisions to VIS-10. However, the April 8, 2013 Staff Analysis did not address the proposed revisions to VIS-10. The Commission approved Amendment #4, excluding the VIS-10 revisions, on June 27, 2013.

This Amendment contains all of the information that is required pursuant to the Siting Regulations (California Code of Regulations [CCR] Title 20, Section 1769, Post Certification Amendments and Changes). The information necessary to fulfill the requirements of Section 1769 is contained in Sections 1.0 through 5.0 as summarized in Table 1 below.

TABLE 1 Informational Requirements for Post-Certification Amendments and Changes

Section 1769 Requirement	Section of Petition Fulfilling Requirement	
(A) A complete description of the proposed modifications, including new language for any conditions that will be affected	Section 2.1—Proposed modifications	
(B) A discussion of the necessity for the proposed modifications	Section 2.2	
(C) If the modification is based on information that was known by the petitioner during the certification proceeding, an explanation why the issue was not raised at that time	Section 2.2	

² California Energy Commission. 2002. Commission Decision, Russell City Energy Center, (01-AFC-7), Alameda County. California Energy Commission, Sacramento, California. September 11, 2002.

³ California Energy Commission. 2007. Commission Decision, Russell City Energy Center, Petition for Amendment to Application for Certification (01-AFC-7C), Alameda County. California Energy Commission, Sacramento, California. October 3, 2007.

TABLE 1
Informational Requirements for Post-Certification Amendments and Changes

Section 1769 Requirement	Section of Petition Fulfilling Requirement	
(D) If the modification is based on new information that changes or undermines the assumptions, rationale, findings, or other bases of the final decision, an explanation of why the change should be permitted	Sections 3.2	
(E) An analysis of the impacts the modification may have on the environment and proposed measures to mitigate any significant adverse impacts	Section 3.0	
 (F) A discussion of the impact of the modification on the facility's ability to comply with applicable laws, ordinances, regulations, and standards; 	Section 3.3	
(G) A discussion of how the modification affects the public	Section 4.0	
(H) A list of property owners potentially affected by the modification	Section 5.1	
 A discussion of the potential effect on nearby property owners, the public and the parties in the application proceedings. 	Section 5.2	

1.2 Ownership of Russell City Energy Company, LLC

Russell City Energy Company, LLC, is jointly owned by Calpine Russell City, LLC (a wholly owned indirect subsidiary of Calpine Corporation) (75 percent) and Aircraft Services Corporation (a wholly owned indirect subsidiary of General Electric Capital Corporation) (25 percent).

1.3 Summary of Environmental Impacts

The Siting Regulations require that an analysis be conducted to address the potential impacts the proposed project change may have on the environment and proposed measures to mitigate any potentially significant adverse impacts (Title 20, CCR, Section 1769 [a][1][E]). The regulations also require a discussion of the impact of the proposed change on the facility's ability to comply with applicable laws, ordinances, regulations and standards ("LORS") (Title 20, CCR Section 1769 [1][a][F]).

Section 3.0 of this Amendment includes a discussion of the potential environmental impacts associated with the modifications to Visual Resources Condition of Certification VIS-10 and a discussion of the consistency of the modification with LORS. Section 3.0 concludes that there would be no significant environmental impacts associated with implementing the actions specified in this Amendment and that the project as modified would comply with all applicable LORS.

The proposed changes to VIS-10 do not adversely impact the environment. When implemented, the VIS-10 measures will provide positive visual enhancement – a beneficial environmental impact when compared to current baseline conditions. Therefore there is no

possibility of any significant adverse environmental impact resulting from the proposed modification of VIS-10.

2.0 Description of Project Changes

This section includes a complete description of the proposed project changes consistent with the Siting Regulations (Title 20, CCR, Section 1769 [a][1][A]).

2.1 Changes to the Conditions for Offsite Visual Enhancement (VIS-10)

Condition VIS-10 was first adopted by the Commission in the 2002 decision that approved the project. Although, the project site was subsequently relocated and thereby reduced the potential visual impacts, VIS-10 was carried forward to the 2007 Commission Decision that approved the new project location.

Following the 2007 decision, the project owner initiated the process of designing the requirement to plant trees along the west side of the warehouses and industrial complexes that face the shoreline south of the project site. Part of the process of planning for the planting of trees involved contacting individual property owners to obtain permission to plant the trees and to obtain the cooperation of the landowners to maintain the trees. During this process, the project owner discovered that it would be infeasible to plant trees on many parcels for the following reasons:

- -Several landowners refused to allow trees to be planted on their property;
- -One landowner would only allow the planting of juniper trees, a species not compatible with adjacent marshlands;
- -One landowner would allow a limited number of trees to be planted, as long they did not block views from his property; and
- -Several parcels had pipelines running underneath the areas where trees were to be planted, raising concerns that the trees' roots could damage the pipes.
- -The East Bay Regional Park District expressed strong opposition to planting any trees in this area.

As a result of the physical limitations of these sites, the underground pipes and the objections of property owners, the project owner has determined that it is not feasible to plant trees along the sides of these warehouses and industrial complexes. In addition, given the drought conditions in California (that are expected to persist notwithstanding recent storms), the project owner is concerned that the planting of new trees in the vicinity of the warehouses would require substantial irrigation and use of water.

Therefore, the project owner proposes to amend VIS-10 to allow the project owner to provide additional visual enhancement measures in place of vegetation in certain locations. Specifically, instead of planting vegetation in front of the warehouses the project owner has substantially reduced the contrast between the background and the off-site buildings and structures along the west side of the warehouse and industrial park complexes that line the eastern edge of the shoreline. Instead of planting trees to buffer the view of light-colored walls currently seen from the shoreline, the existing walls in the area have been repainted in more muted colors as approved by the CPM and the City of Hayward. The painting was performed at the project owner's expense, with the full consent and cooperation of the owners of the buildings. Colors were selected in consultation with the building owners, the City and the CPM. This accomplishes visual mitigation objectives without the potential undesirable consequences of planting trees, i.e., blocking views from the properties, allowing birds of prey to perch on trees, causing damage to underground sewers or unnecessarily consuming water during drought conditions. In addition, the project owner has received consent from the City of Hayward to carefully plant a row of selected trees along the western edge of a City owned parcel, to help block views of a tall wide back wall of a large warehouse located at the terminus of Enterprise Avenue, without potential damage to existing sewers or interfering with future use of the City parcel. Figures 2 and 3 of the Visual Enhancement Plan lists two tree species that weren't selected (Peppermint Gum and Evergreen Ash) for the revised planting plan because these species were not available from local nurseries and because of the preference of the City for other listed species.

The VIS-10 visual enhancement plan is attached (Attachment 1). Page 2 of the plan shows the color treatment and general off-site landscape concept. Page 5 shows the view of the project area before the visual enhancement is applied. Page 6 is a visual simulation of the project area after implementation of the plan.

This Amendment proposes the following modification of VIS-10:

VIS-10 Prior to the start of construction, t_The project owner shall prepare and implement an approved off-site landscaping visual enhancement plan. The visual enhancement plan shall substantially reduce the contrast between the background and the off-site buildings and structures along the west side of the warehouse and industrial park complexes that line the eastern edge of the shoreline wetlands by Consistent with Measure 3 of the Visual Mitigation Plan, the project owner shall installing trees surface treatments on publicly visible buildings. The extent of the landscaping area, as shown in Visual Resources Figure 14 shall be expanded to include the berm from Breakwater Avenue north to Johnson Road. Trees shall be planted close together to preside a dense screen. Trees planted along the edge of the Whitesell Business Park parking lot shall be pruned up as they grow to allow westward views from the parking lot to the shoreline open space. Trees planted close to the walls of the warehouses shall be allowed to take on a bush like form to maximize their screening potential.

All tree species shall be fast growing and evergreen and shall be 24" box size when planted. The project owner shall provide an appropriate level of irrigation and fertilization to ensure optimal tree growth, health, and appearance. Surface treatments shall involve high quality paints and durable, long-lasting industrial and commercial surface coatings.

The project owner shall plant trees along the edge of a City-owned parcel, as shown in the VIS-10 visual enhancement plan.

<u>Protocol</u>: <u>Prior to start of construction, t The project owner shall submit an <u>offsite</u> <u>visual enhancement landscape</u> plan to the City of Hayward and the U.S. <u>Fish and Wildlife Service, if applicable,</u> for review and comment, and to the CPM for review and approval. The submittal to the CPM shall include the City's comments. The plan shall include, but not be limited to:</u>

- A detailed <u>visual enhancement plan</u>, <u>landscape</u>, <u>grading</u>, <u>and irrigation plan</u> at a reasonable scale, which includes a list of <u>proposed <u>surface treatments</u></u>, tree <u>and shrub</u> species and installation sizes., <u>and a discussion of the</u> <u>suitability of the plants for the site conditions and mitigation objectives</u>.
- 2) An installation schedule. The project owner shall not implement the <u>visual</u> <u>enhancement plan</u> until the project owner receives approval of the plan from the CPM. The planting must be completed by the start of commercial operation, and the planting must occur during the optimal planting season.
- Maintenance procedures, including (1) any needed irrigation and a plan for routine annual or semi-annual debris removal for the life of the project, and
 (2) for off-site surface treatments, providing each off-site location with 5 gallons of the surface treatment, after which maintenance of the surface shall be the responsibility of the off-site property owner in accordance with local building and zoning regulations; and
- 4)—A procedure for monitoring for and replacement of unsuccessful plantings for the life of the project. The project owner shall not implement the plan until the project owner receives approval of the plan from the CPM.

<u>Verification</u>: At least <u>Within 15</u> 90 days prior to start of construction <u>following approval of Amendment #5,</u> the project owner shall submit the offsite landscape <u>visual enhancement</u> plan to the CPM for review and approval.

If the CPM notifies the project owner that revisions of the submittal are needed before the CPM would approve the submittal, within 30 days of receiving that notification, the project owner shall prepare and submit to the CPM a revised submittal.

The project owner shall notify the CPM within seven days after completing installation of the landscape screening that the planting and irrigation system are ready for inspection.

The project owner shall report landscape <u>visual enhancement plan related</u> maintenance activities, including replacement of dead vegetation, for the previous year of operation in the Annual Compliance Report.

2.2 Necessity of Proposed Changes

The Siting Regulations require a discussion of the necessity for the proposed revision to the RCEC project and whether the modification is based on information known by the petitioner during the certification proceeding (Title 20, CCR, Sections 1769 [a][1][B], and [C]).

As described in Section 2.1 above, modification of VIS-10 is necessary, because during the process of designing offsite visual enhancements, the project owner discovered that it would be infeasible to plant trees on many parcels because, among other reasons, several landowners refused to allow trees to be planted on their property and several parcels had pipelines running underneath the areas where trees were to be planted, raising concerns that the trees' roots could damage the pipes. The project owner did not know at the time of approval of the Decision that it would not be feasible to plant trees along the sides of these warehouses and industrial facilities.

3.0 Environmental Analysis of Proposed Project Changes and Consistency with LORS

The proposed project changes added by this Amendment are evaluated below according to the type of change. The end of this section addresses the consistency of the proposed changes to Visual Resources Conditions of Certification VIS-10 with LORS.

The environmental disciplines are addressed, as follows:

- 3.1 Air Quality
- 3.2 Biological Resources
- 3.3 Cultural Resources
- 3.4 Geology and Paleontology
- 3.5 Hazardous Materials Management
- 3.6 Land Use
- 3.7 Noise and Vibration
- 3.8 Public Health
- 3.9 Socioeconomics
- 3.10 Soil and Water Resources
- 3.11 Traffic and Transportation
- 3.12 Visual Resources
- 3.13 Waste Management
- 3.14 Worker Safety and Fire Protection

3.1 Changes to Offsite Landscaping Condition VIS-10

This Amendment modifies the offsite landscaping Condition of Certification (VIS-10) to allow the project owner additional time and flexibility to implement visual offsite visual enhancement. Accordingly, the proposed changes to VIS-10 will not result in any significant adverse environmental impact.

3.1.1 Air Quality

The proposed modification of VIS-10 will not cause any adverse impacts to air quality.

3.1.2 Biological Resources

The proposed modification of VIS-10 will not cause any adverse impacts to biological resources. The proposed change reduces the amount of landscaping originally required by VIS-10 and accordingly lessens the perching opportunities for raptors.

3.1.3 Cultural Resources

The proposed modification of VIS-10 will not result in new ground disturbance in areas not previously considered for offsite landscaping, and, in fact, will substantially reduce the ground disturbance previously analyzed in the Decision. Therefore, the proposed modification of VIS-10 will not result in changes to the Decision's conditions, findings or conclusions regarding cultural resources.

3.1.4 Geology and Paleontology

The proposed modification of VIS-10 will not result in new ground disturbance in areas not previously considered for offsite landscaping, and, in fact, will substantially reduce the ground disturbance previously analyzed in the Decision. Therefore, the proposed modification of VIS-10 will not result in changes to the Decision's conditions, findings or conclusions regarding geological resources or paleontological resources.

3.1.5 Hazardous Materials Management

The proposed modification of VIS-10 will have no effect on hazardous materials management.

3.1.6 Land Use

The proposed modification of VIS-10 will have no effect on land use.

3.1.7 Noise and Vibration

The proposed modification of VIS-10 will have no effect on noise.

3.1.8 Public Health

The proposed modification of VIS-10 will have no effect on public health.

3.1.9 Socioeconomics

The proposed modification of VIS-10 will have no impact on socioeconomics.

3.1.10 Soil and Water Resources

The proposed modification of VIS-10 will reduce the consumption of water for plant irrigation below those specified in the Decision. The planting of new trees in the vicinity of the warehouses would have required substantial irrigation and water use for at least several years after planting. Despite recent storms, the potential for long-term drought conditions is still a major concern in California. Therefore, this Amendment will result in decreased water use and will represent a positive change to the Commission Decision's conditions, findings or conclusions regarding soil and water resources.

3.1.11 Traffic and Transportation

The proposed modification of VIS-10 will have no traffic or transportation impacts.

3.1.12 Visual Resources

As shown in the comparison of the view of the project area before implementation of the visual enhancement plan with the visual simulation of the project area after implementation of the plan (Attachment 1, pages 5 and 6) the measures to be installed will fully meet the

intent of VIS-10. The visual impact of the white warehouse walls has now been substantially reduced when painted with muted, natural colors that help these structures blend into the wetlands in the foreground and hills in the background. Therefore, the Amendment's changes to VIS-10 will be beneficial and will not have a significant adverse impact to visual resources.

3.1.13 Waste Management

The proposed modification of VIS-10 will not change or impact waste management practices or the types or quantities of waste generated by the construction or operation of the project.

3.1.14 Worker Safety and Fire Protection

The proposed modification of VIS-10 will not result in any negative impacts to worker safety.

3.2 Consistency of Amendment with the Certification and LORS

The Siting Regulations require a discussion of the consistency of the proposed project revisions with the applicable laws, ordinances, regulations, and standards (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 (Title 14, CCR Section 1769 [a][1][D]). If the project is no longer consistent with the certification, the petition for project change must provide an explanation for why the modification should be permitted.

This Amendment is consistent with all applicable LORS and is not based on new information that changes or undermines any bases for the Decision. The modification to VIS-10 address slight changes in the timing and type of measures to be implemented and are wholly consistent with the original decision. The modification to VIS-10 does not conflict with any applicable LORS.

The findings and conclusions contained in the Decision for the project are still applicable to the project as modified.

4.0 Potential Effects on the Public

This section discusses the potential effects on the public that may result from the modifications proposed in this request for approval, per the Siting Regulations (Title 20, CCR, Section 1769[a][1][G]).

The modifications to VIS-10 will not affect local economy but will have a beneficial visual impact, and therefore this Amendment poses no significant adverse effects on the public.

5.0 List of Property Owners and Potential Effects on Property Owners

5.1 List of Property Owners

In accordance with the Siting Regulations (Title 20, CCR, Section 1769[a][1][H]), the project owner shall provide the Compliance Project Manager for the project a list of all property owners whose property is located within 500 feet of the project.

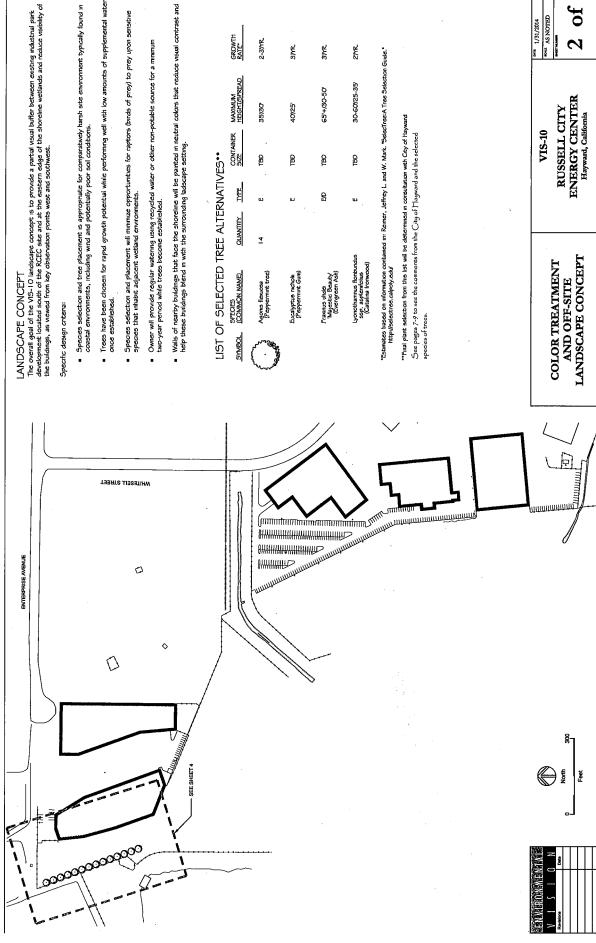
5.2 Potential Effects on Property Owners

This section addresses potential effects of the project changes proposed in this Amendment on nearby property owners, the public, and parties in the application proceeding, per the Siting Regulations (Title 20, CCR, Section 1769 [a][1][I]).

As described in this Amendment, there would be no significant adverse environmental impacts from the adoption of changes to VIS-10. Therefore, no significant adverse effects on property owners that result from the adoption of the changes proposed in this Amendment. Modification of VIS-10 will provide beneficial visual enhancements in comparison to current, baseline conditions.

ATTACHMENT 1:

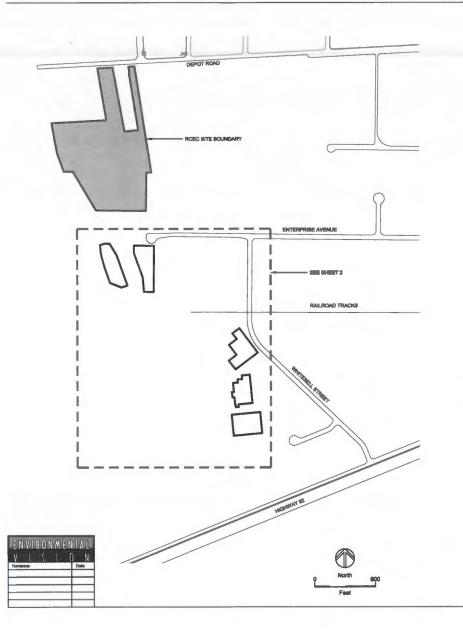
VIS-10 - Visual Enhancement Plan



	GROWTH RATE	2-3MR	3MR.	3MR	2mR.
	MAXIMUM: HEIGHT/SPREAD	35/30	40/25'	65'+/30-50'	30-60/25-35
5	CONTAINER	180	Œ	OBT	OBT.
		u	ш .	E/O	nn '
	QUANTITY	4			ent
OF DELECTED INCE ALLENATIVES"	SPECIES (COMMON NAME)	Agons flexuosa (Peppermint tree)	Eucalyptus nicholii (Peppermint Gum)	Fraxinus uhdei Majestic Beauty (Evergreen Ash)	Lyonothamnus flonbundus 55p. asplenifolius (Catalina Ironwood)
<u>5</u>	MBOL	Jun 3			

of PONTE 1/31/2014
SOLE AS NOTED

9



VIS-10 January 31, 2014

Sheet	Drawing
Number	Name
1 OF 6 2 OF 6 3 OF 6 4 OF 6 5 OF 6 6 OF 6	TITLE SHEET COLOR TREATMENT AND OFF-SITE LANDSCAPE CONCEPT SAMPLE BUILDING COLORS AND TREE PHOTOS PLANTING PLAN KOP-2: HAYWARD SHORELINE INTERPRETIVE CENTER - EXISTING CONDITIONS KOP-2: HAYWARD SHORELINE INTERPRETIVE CENTER - VISUAL SIMUALATION

NOT FORUCTION



TITLE SHEET

VIS-10
RUSSELL CITY
ENERGY CENTER
Hayward, California

OAR 1/31/2014
SCHE AS NOTED

1 of 6



[yonothamnus floribundus [Catalina Ironwood]















Monterey Clidds 10YY 14/080 A1785



Thoroughbred 101Y 13/152 A1799



Toasty Grey 30YY 51/098 A1851

Note: Sample color may vary slightly due to reprodution.

SELECTED BUILDING COLORS

Building#	(Mall Entire Standing)	(Math being Standing)
1á	Pecan Tree	Pecan Tree
1b	Western Wall: TBD by owner Southern Wall: Pecan Tree	Western Wall: Pecan Tree Southern Wall: Pecan Tree
2	Pecan Tree	Pecan Tree
3	Thoroughbred	Thoroughbred
4	Western Wall: Monterey Cliffs Southern Wall: Toasty Grey	Western Wall: Monterey Cliffs Southern Wall: Monterey Cliffs

^{*} All colors, including TBD by owner, shall be from this list. Glidden colors are listed. If alternate paint company colors are to be used, contractor shall provide a 3x5 paint chip to RCEC for approval prior to purchase and use.



SAMPLE **BUILDING COLORS** AND TREE PHOTOS

VIS-10 RUSSELL CITY **ENERGY CENTER** Hayward, California

1/31/2014 AS NOTED

3 of 6

