

DOCKETED

Docket Number:	08-AFC-03C
Project Title:	Marsh Landing Generating Station Compliance
TN #:	203305
Document Title:	NRG's Comments on Staff Analysis
Description:	N/A
Filer:	URS
Organization:	URS
Submitter Role:	Applicant Consultant
Submission Date:	11/3/2014 3:28:04 PM
Docketed Date:	11/3/2014



November 3, 2014

Camille Remy Obad
Compliance Project Manger
California Energy Commission
1516 Ninth Street, MS 4
Sacramento, CA 95814

RE: Marsh Landing Generating Station
Petition to Amend (08-AFC-03C)
Comments on Staff Analysis

Dear Ms. Remy Obad,

NRG Marsh Landing LLC submitted a Petition to Amend the Marsh Landing Generating Station's (MLGS') license on July 8, 2014. The proposed modifications include the installation of a new diesel backup generator and a new diesel fire pump engine. On October 10, 2014, the California Energy Commission Staff issued its Staff Analysis for the proposed modifications. NRG Marsh Landing LLC has reviewed the Staff Analysis and provides the following comments, corrections and clarifications. These comments do not affect the conclusions presented in the Staff Analysis nor do they affect any conditions of certification. **Bold underline** is used to indicate new language. ~~Strikethrough~~ is used to indicate deleted language.

Comment 1: Executive Summary, Necessity for the Proposed Modifications, pages 1 and 2. The diesel backup generator is a separate system and is not part of the fire suppression system. It is not related to disconnecting from the CCGS fire system. Text on pages 1 and 2 should be revised as follows:

"To disconnect from the CCGS system NRG Marsh Landing has identified the need to install ~~a diesel backup generator~~, a new diesel fire pump engine and 150 feet of fire loop piping with a maximum depth approximately 5 feet below ground surface."

Comment 2: Air Quality Analysis, page 1. Marsh Landing Generating Station commenced commercial operations on May 1, 2013. Please make the following correction:

“The original Commission Decision approving MLGS was issued in August 2010 and the facility has been in commercial operation since **May 2013** ~~April 2014.~~”

Comment 3: Air Quality Analysis, page 4. MLGS does not have black start capability. The backup generator is for increased availability upon restoration following a loss of all station service power. The following sentence should be revised as follows:

“The emergency diesel engine powering a generator will enable the facility **to restore generation in the event that all service power is lost** ~~have black start capabilities.~~”

Comment 4: Air Quality, page 5. There is a typographical error for one of the emission standards. The particulate matter (PM) emissions standard is not the same as the carbon monoxide (CO) standard. However, the calculations used the correct standards for PM and CO; therefore, the results presented in Air Quality Table 3 are correct and do not require any changes. Please make the following correction to the text:

“Section 112 has emission standards of 4.8 grams per horsepower hour (g/hp-hr) for non-methane hydrocarbons (NMHC) + NO_x, 2.6 g/hp-hr for carbon monoxide (CO) and **0.07 g/hp-hr for** particulate matter (PM).”

Comment 5: Biological Resources, page 3. NRG Marsh Landing respectfully acknowledges compliance with all relevant conditions of certification related to biological resources and as summarized in Table 2 of the *Biological Resources Post-Construction Report for the Marsh Landing Generating Station* prepared and submitted to CEC in August 2013 in compliance with COC BIO-6. A copy of Table 2 is attached for Staff's reference. All construction activities associated with the proposed modifications, including laydown and staging areas, will not take place near any biologically sensitive area. The emergency diesel generator will be installed in the interior portion of the site between MLGS Units 2 and 3. The fire pump generator will be installed south of the raw water storage tank and more than 250 feet south of the

MLGS' northern property line and more than 100 feet east of the trees along the MLGS' western property line. We agree with Staff's assessment that BIO-7 is not expected to be applicable, since the plan is to complete installation of the proposed modifications outside of the nesting season.

NRG Marsh Landing will retain Jon Stead as the Designated Biologist to be available during the installations. Jon was the CEC-approved Designated Biologist during the construction of MLGS. He will be supported as needed, by previously approved Biological Monitors, including Mike Dempsey, Joe Bandel and Danielle Pena.

We look forward to the Commission's approval of our petition on November 17, 2014.

If you have questions on this submittal, please call me at (415) 243-3892 or George Piantka at (760) 710-2156.

URS Corporation



Anne Connell
Project Manager

cc: George Piantka, NRG
Attachment 1

ATTACHMENT 1

**TABLE 2 FROM MARSH LANDING GENERATING STATION
BIOLOGICAL RESOURCES
POST-CONSTRUCTION COMPLIANCE MONITORING REPORT
CONDITION OF CERTIFICATION BIO-6**

**Table 2
Summary of Outstanding or Ongoing Biological Resources Conditions
for the Marsh Landing Generating Station**

Condition	Description of Requirement	Status	Modifications/Comments/ How Implemented
COC BIO-1	<p>The project owner shall assign a Designated Biologist to the project. The project owner shall submit the resume of the proposed Designated Biologist, with at least three references and contact information, to the Energy Commission Compliance Project Manager (CPM) for approval. The Designated Biologist must meet the following minimum qualifications:</p> <ol style="list-style-type: none"> 1. Bachelor's Degree in biological sciences, zoology, botany, ecology, or a closely related field; and 2. Three years of experience in field biology or current certification of a nationally recognized biological society, such as The Ecological Society of America or The Wildlife Society; and 3. At least one year of field experience with biological resources found in or near the project area. <p>In lieu of the above requirements, the resume shall demonstrate to the satisfaction of the CPM, that the proposed Designated Biologist or alternate has the appropriate training and background to effectively implement the conditions of certification.</p>	Ongoing throughout operations	NRG Marsh Landing will identify and seek CEC approval for a Designated Biologist for the operations phase of the project.
COC BIO-2	<p>The project owner shall ensure that the Designated Biologist performs the following during any site (or related facilities) mobilization, ground disturbance, grading, construction, operation, and closure activities. The Designated Biologist may be assisted by the approved Biological Monitor(s), but remains the contact for the project owner and CPM.</p> <ol style="list-style-type: none"> 1. Advise the project owner's Construction and Operation Managers on the implementation of the biological resources COC; 2. Not applicable¹; 	Ongoing throughout operations	Annual Compliance Reports throughout operations will continue to ensure compliance.

¹ Text from the COCs in Table 2 not applicable during the operations phase of the project is not included in Table 2. See Table 1 for the full text of all biology COC.

**Table 2
 Summary of Outstanding or Ongoing Biological Resources Conditions
 for the Marsh Landing Generating Station (Continued)**

Condition	Description of Requirement	Status	Modifications/Comments/ How Implemented
COC BIO-2	<ol style="list-style-type: none"> 3. Be available to supervise, conduct and coordinate mitigation, monitoring, and other biological resources compliance efforts, particularly in areas requiring avoidance or containing sensitive biological resources, such as special status species or their habitat; 4. Clearly mark sensitive biological resource areas, if present and inspect these areas at appropriate intervals for compliance with regulatory terms and conditions; 5. Not applicable; 6. Notify the project owner and the CPM of any non-compliance with any biological resources Condition of Certification; 7. Respond directly to inquiries of the CPM regarding biological resource issues; 8. Maintain written records of the tasks specified above and those included in the BRMIMP. Summaries of these records shall be submitted in the Monthly Compliance Report and the Annual Report; and 9. Train the Biological Monitors as appropriate, and ensure their familiarity with the BRMIMP, Worker Environmental Awareness Program (WEAP) training and all permits. 	Ongoing throughout operations	Annual Compliance Reports throughout operations will continue to ensure compliance.
COC BIO-3	<p>The project owner's Construction/ Operation Manager shall act on the advice of the Designated Biologist and Biological Monitor(s) to ensure conformance with the biological resources COC.</p> <p>If required by the Designated Biologist and Biological Monitor(s) the project owner's Construction/Operation Manager shall halt all site mobilization, ground disturbance, grading, construction, and operation activities in areas specified by the Designated Biologist.</p> <p>The Designated Biologist shall:</p> <ol style="list-style-type: none"> 1. Require a halt to all activities in any area when determined that there would be an unauthorized adverse impact to biological resources if the activities continued; 	Ongoing throughout operations	Annual Compliance Reports throughout operations will continue to ensure compliance.

**Table 2
Summary of Outstanding or Ongoing Biological Resources Conditions
for the Marsh Landing Generating Station (Continued)**

Condition	Description of Requirement	Status	Modifications/Comments/ How Implemented
	2. Inform the project owner and the Construction/Operation Manager when to resume activities; and 3. Notify the CPM if there is a halt of any activities, and advise the CPM of any corrective actions that have been taken, or will be instituted, as a result of the work stoppage. If the Designated Biologist is unavailable for direct consultation, the Biological Monitor shall act on behalf of the Designated Biologist.		
COC BIO-4	The project owner shall develop and implement a CPM-approved WEAP in which each of its employees, as well as employees of contractors and subcontractors who work on the project site or any related facilities during site mobilization, ground disturbance, grading, construction, operation, and closure are informed about sensitive biological resources associated with the project. The WEAP must: <ol style="list-style-type: none"> 1. Be developed by or in consultation with the Designated Biologist and consist of an on-site or training center presentation in which supporting written material and electronic media is made available to all participants; 2. Discuss the locations and types of sensitive biological resources on the project site and adjacent areas, if present; 3. Present the reasons for protecting these resources; 4. Present the meaning of various temporary and permanent habitat protection measures as necessary; 5. Identify whom to contact if there are further comments and questions about the material discussed in the program; and 6. Include a training acknowledgment form to be signed by each worker indicating that they received training and shall abide by the guidelines. 	Ongoing throughout operations	Annual Compliance Reports throughout operations will continue to ensure compliance.

**Table 2
 Summary of Outstanding or Ongoing Biological Resources Conditions
 for the Marsh Landing Generating Station (Continued)**

Condition	Description of Requirement	Status	Modifications/Comments/ How Implemented
	The specific program can be administered by a competent individual(s) acceptable to the Designated Biologist.		
COC BIO-6	<p>The project owner shall implement the following measures during construction and operation to manage their project site and related facilities in a manner to avoid or minimize impacts to the local biological resources:</p> <ol style="list-style-type: none"> 1. Limit Disturbance Area. Vehicles and personnel shall be prohibited from entering sensitive habitats. 2. Minimize Impacts of Transmission Lines. Transmission lines and all electrical components shall be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC's) Suggested Practices for Avian Protection on Power Lines (APLIC, 2006) and Mitigating Bird Collisions with Power Lines (APLIC, 2004) to reduce the likelihood of bird electrocutions and collisions. 3. Avoid Use of Toxic Substances. Road surfacing and sealants as well as soil bonding and weighting agents used on unpaved surfaces shall be non-toxic to wildlife and plants. 4. Minimize Lighting Impacts. Facility lighting shall be designed, installed, and maintained to prevent side casting of light towards the project boundaries and San Joaquin River shoreline. Lighting shall be shielded, directional, and at the lowest intensity required for activity. 5. Not applicable. 6. Not applicable. 7. Report Wildlife Injury and Mortality. Report all inadvertent deaths of special-status species to the appropriate project representative, including road kill. Species name, physical characteristics of the animal (sex, age class, length, weight), and other pertinent information shall be noted and reported in the Monthly Compliance 	Ongoing throughout operations	Annual Compliance Reports throughout operations will continue to ensure compliance.

**Table 2
Summary of Outstanding or Ongoing Biological Resources Conditions
for the Marsh Landing Generating Station (Continued)**

Condition	Description of Requirement	Status	Modifications/Comments/ How Implemented
	<p>Reports. Injured animals shall be reported to CDFG or USFWS and the CPM and the project owner shall follow instructions that are provided by CDFG or USFWS.</p> <p>8. Worker Guidelines. During construction all trash and food-related waste shall be placed in self-closing containers and removed daily from the site. Workers shall not feed wildlife or bring pets to the project site. Except for law enforcement personnel, no workers or visitors to the site shall bring firearms or weapons.</p>		
COC BIO-8	<p>The project owner shall provide an annual payment to Friends of San Pablo Bay to assist in noxious weed management at the Antioch Dunes NWR. The first annual payment shall be at least equal to \$2,693.00.</p> <p>Each subsequent annual payment as calculated above shall be adjusted for inflation in accordance with the Employment Cost Index – West or its successor, as reported by the U.S. Department of Labor's Bureau of Labor Statistics. Payment shall be made annually for the duration of project operation.</p> <p>The project owner has voluntarily offered to contribute additional annual funding for weed management efforts at the Antioch Dunes NWR in an amount equal to \$20,000 per year and has agreed to include that additional payment as a requirement in this condition of certification. The additional annual payment shall be made at the same time as the annual payment specified above and shall be made for the duration of project operation, but shall not be adjusted for inflation.</p>	Ongoing throughout operations	<p>On November 14, 2012 the CEC approved changing the payment recipient to the California Wildlife Foundation (CWF) and allowing a broader range of mitigation activities.</p> <p>NRG Marsh Landing, LLC submitted \$22,693 to the CWF in 2011 and \$22,805 to the CWF in 2012. The funds were used to support invasive weed control at the Antioch Dunes National Wildlife Refuge.</p> <p>NRG Marsh Landing, LLC will continue to make annual payments to the CWF consistent with COC BIO-8 for the duration of project operation.</p>