

DOCKETED

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CALIFORNIA ENERGY COMMISSION

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NOTICE OF DETERMINATION PETITION TO AMEND THE GWF TRACY COMBINED CYCLE POWER PLANT (08-AFC-7C)

On October 19, 2015, GWF Energy LLC (GWF) filed a Petition to Amend (PTA) with the California Energy Commission (Energy Commission) requesting approval to modify the GWF Tracy Combined Cycle Power Plant (GWF Tracy) Decision. The modifications proposed in the PTA would allow the trucking, rather than piping, of emergency backup water from the Bogetti family groundwater well located approximately 3,000 feet south of GWF Tracy.

GWF Tracy is a 330-megawatt (MW) combined cycle generating facility that was certified by the Energy Commission on March 24, 2010, and began commercial operation on November 1, 2012. The project is located on a 16.38-acre, fenced site within the existing GWF-owned 40-acre parcel in an unincorporated portion of San Joaquin County immediately southwest of Tracy, California, and approximately 20 miles southwest of Stockton, California.

BACKGROUND

On July 30, 2015, the Energy Commission approved modifications to the license for GWF Tracy to use the emergency alternative water supplies. To ensure continued operations during the ongoing drought, the modifications allowed GWF Tracy to rapidly obtain emergency alternative water supplies (four alternatives were approved, with the Bogetti well as one option) to avoid being forced to reduce or suspend operations in the event that water supplies from the water district are curtailed. The modifications did not increase the amount of water used by GWF Tracy to levels above those analyzed in the initial Commission decision. All alternative water source options use temporary onsite storage and conveyance infrastructure.

At the time the Bogetti Water supply option was approved, the primary plan for conveying the water to GWF Tracy was an existing pipeline that runs from the well to approximately 30 feet from a flanged connection that leads into the GWF Tracy water inlet. The flanged connection would be connected to GWF Tracy using temporary piping or non-collapsible hosing. This continues to be the preferred option for conveying the Bogetti Water to GWF Tracy. However, obtaining approval for use of the existing pipeline has proven to be more time-consuming than originally anticipated. As a result, GWF is currently seeking approval to convey the Bogetti Water via truck should that become necessary.

DESCRIPTION OF PROPOSED MODIFICATION

GWF seeks approval to modify the GWF Tracy Decision to allow the trucking of water from the Bogetti family groundwater well located approximately 3,000 feet to the south of GWF Tracy, until a pipeline can become available. The water would be delivered via truck, and there would be 9-10 round trips per day during peak plant operation. The truck route between the Bogetti family groundwater well and the GWF Tracy site is approximately 4 miles. The proposal would also require the installation of eight (8) temporary mobile

storage tanks, with a capacity of 21,000 gallons each, at the location of the Bogetti well, and installation of one or more temporary storage tank(s) with a total capacity of 352,260 gallons at the GWF Tracy site.

The Energy Commission's webpage for this facility, <http://www.energy.ca.gov/sitingcases/tracyexpansion/>, has a link to the PTA on the right side of the webpage in the box labeled "Compliance Proceeding." Click on the "Documents for this Proceeding (Docket Log)" option.

ENERGY COMMISSION STAFF REVIEW AND DETERMINATION

Staff determined that no laws, ordinances, regulations, and standards (LORS) applicable to proposed modifications to the project have changed since the Decision was amended in July 30, 2015.

Energy Commission staff reviewed the petition for potential environmental effects and consistency with applicable LORS. Staff has determined that the technical or environmental areas of Efficiency, Geological and Paleontological Resources, Hazardous Materials Management, Reliability, Soil and Water Resources, Transmission Line Safety and Nuisance, Transmission System Engineering, and Waste Management are not affected by the proposed changes, and no revisions or new conditions of certification are needed to ensure the project remains in compliance with all applicable LORS for these areas.

For the technical areas of Air Quality, Biological Resources, Cultural Resources, Facility Design, Land Use, Noise and Vibration, Public Health, Socioeconomics, Traffic and Transportation, Visual Resources, and Worker Safety and Fire Protection, staff has determined the amended project would continue to comply with applicable LORS and no changes are needed to any conditions of certification (COCs) in the Energy Commission Decision to ensure impacts would be less than significant. Staff notes the following for these technical areas:

- **Air Quality.** Trucking water from the Bogetti well would result in fewer vehicle miles traveled than the other three approved water trucking options, and would therefore result in fewer air quality and greenhouse gas emissions and associated impacts. The requested project modification would allow for continued operation of the project and would not result in significant air quality impacts.
- **Biological Resources.** The location of the proposed tank installation at the Bogetti well may provide suitable habitat to sensitive biological resources such as San Joaquin kit foxes and western burrowing owls. Project activities associated with the installation of the storage tanks and the frequent presence of water transport trucks at the Bogetti well could potentially disturb and impact any sensitive biological resources present at Bogetti well site. However, implementation of the COCs (**BIO-2:** Designated Biologist Duties; **BIO-3:** Biological Monitor Selection; **BIO-4:** Designated Biologist and Biological Monitor Authority; **BIO-5:** Worker Environmental Awareness Program, **BIO-6:** Biological Resources Mitigation Implementation and Monitoring Plan; **BIO-7:** Impact Avoidance Mitigation Measures; **BIO-8:** Pre-construction Surveys; **BIO-9:** Avoid Harassment or Harm to San Joaquin Kit Foxes; **BIO-10:**

Burrowing Owl Impacts Avoidance and Minimization Measures) at the Bogetti well site will ensure that no significantly adverse effects to biological resources would occur as a result of this project modification.

- **Cultural Resources.** Staff reviewed the PTA and the project owner's cultural resources inventory, and conducted its own literature review. Staff concludes that no cultural resources are located on the ground surface of the proposed Bogetti well temporary water storage area, but that there is minor potential for ground-disturbing activities to unearth and damage buried archaeological resources. However, COCs **CUL-1** through **CUL-7** in the existing GWF Tracy Decision would mitigate any such impacts.
- **Facility Design.** The installation of the temporary water tanks must comply with the 2013 California Building Code and related engineering LORS. Implementation of the existing **Facility Design** COCs adopted in the Energy Commission Decision would ensure this.
- **Land Use.** Because the proposed water tanks would be located within the existing GWF Tracy project site and temporarily on agricultural land, they would not cause an impact on the environment per the California Environmental Quality Act Guidelines, Appendix G II and X. The proposed amendment would have no significant land use impacts. Condition of Certification **LAND-1** in the March 2010 Energy Commission Decision would not apply because it requires mitigation for the permanent loss of Prime Farmland.
- **Noise and Vibration.** Construction work associated with installation of the temporary water tanks would occur during the daytime hours and it would be temporary. Any noise generated during this activity would result in a less-than-significant impact with implementation of the existing **Noise** COCs contained in the Energy Commission Decision (**NOISE-2**, noise complaint process, and **NOISE-6**, construction time restrictions). The transport of water from the well to the GWF Tracy site, which would require 9-10 round trips per day, could potentially impact the residential noise receptors along the transportation route. However, this is a low number of trips per day. The low frequency of trips, their short duration at any given noise receptor, and the noise levels associated with a single truck would not result in a significant impact. Furthermore, any impact would be mitigated to less than significant with implementation of the existing Condition of Certification **NOISE-2**.
- **Public Health.** Water supply transportation via trucking for four miles would emit some diesel particulate matter. Although there are no public health conditions of certification for GWF Tracy, staff believes the potential impact to public health would be negligible with the implementation of the existing Condition of Certification **AQ-SC5**.
- **Socioeconomics.** Few, if any, additional workers would be necessary to install the tanks or truck the water to the GWF Tracy facility. The project modification would not impact the workforce of the Stockton – Lodi Metropolitan Statistical Area (San

Joaquin County) because of the large number of workers represented. From a socioeconomics standpoint, the proposed amendment would have insignificant workforce-related impacts on housing and community services. Condition of Certification **SOCIO-1** (school impact fees) in the March 2010 Energy Commission Decision would not apply.

- **Soil and Water Resources.** The proposed modification does not pose any new potential impacts to water resources. There would be no significant increase in water use for installation of the temporary tanks and the project would continue to operate within permitted limits for water use. The proposed modification also would not require any additional soil disturbance that would result in significant water quality impacts. The activity would not require compliance with the Construction General Permit Order 2009-0009-DWQ. No modification to existing conditions of certification is required.
- **Traffic and Transportation.** The project modifications would need to comply the Conditions of Certification **TRANS-4** (repair damage to roadways) and **TRANS-5** (vehicle sizes, weights and travel routes) identified in the Commission Decision. Condition of Certification **TRANS-1** (construction traffic control plan and implementation program) would not apply. With implementation of these conditions, the alternative water supply route would have no significant traffic and transportation impacts.
- **Visual Resources.** The installation of eight temporary mobile water storage tanks at the Bogetti well and one or more temporary tanks at the GWF Tracy site would not substantially degrade the existing visual quality and character of the areas surrounding these locations. The nearest property with a residence to the Bogetti well site is located approximately 0.2 mile to the east. Vegetation on the west side of this property most likely substantially screens views in the direction of the Bogetti well site, and at approximately 11 feet tall, the temporary tanks would likely not be visible above the berm of the Delta-Mendota Canal. The tank(s) at the GWF Tracy site would be similar in character to other structures at the site and would likely go unnoticed by any viewers.
- **Worker Safety.** Construction activities to be performed during the installation of the storage tanks shall comply with worker safety and fire safety requirements already contained in health and safety plans utilized for construction of the main facility per Condition of Certification **WORKER SAFETY-1**.

Also, the proposed changes would not cause any significant impacts to any population within the six-mile radius of GWF Tracy, including the environmental justice population identified in the **Environmental Justice Population Figure** (attached).

Staff's conclusions in each technical area are summarized in **Table 1** on the following page.

Table 1
Summary of Impacts for Each Technical Area

TECHNICAL AREAS REVIEWED	STAFF RESPONSE			Revised Conditions of Certification Recommended
	Technical Area Not Affected	No Significant Environmental Impact or LORS Inconsistency*	Process As Amendment	
Air Quality		X		
Biological Resources		X		
Cultural Resources		X		
Efficiency	X			
Facility Design		X		
Geological & Paleontological Resources	X			
Hazardous Materials Management	X			
Land Use		X		
Noise & Vibration		X		
Public Health		X		
Reliability	X			
Socioeconomics		X		
Soil & Water Resources	X			
Traffic & Transportation		X		
Transmission Line Safety & Nuisance	X			
Transmission System Engineering	X			
Visual Resources		X		
Waste Management	X			
Worker Safety & Fire Protection		X		

*The proposed modifications will not have a significant effect on the environment, and the modifications will not result in a change in or deletion of a condition adopted by the Energy Commission in the Decision, or make changes that would cause project noncompliance with any applicable laws, ordinances, regulations, or standards (Cal. Code Regs., tit. 20, § 1769 (a)(2).)

Section 1769(a)(2) of Title 20, California Code of Regulations, states, “[w]here staff determines that there is no possibility that the modifications may have a significant effect on the environment, and if the modifications will not result in a change or deletion of a condition adopted by the commission in the final decision or make changes that would cause the project not to comply with any applicable laws, ordinances, regulations, or standards, no commission approval is required....”

Pursuant to that section, Energy Commission staff has determined that approval by the full Commission is not required for this PTA and the proposed modifications meet the criteria for approval at the staff level because:

- The modifications will not have any significant effect on the environment;
- Existing COCs are sufficient to cover the proposed modifications without changes to, or deletions of, any conditions of certification; and
- The project as modified will maintain full compliance with applicable LORS.

This Notice of Determination has been mailed to the Energy Commission’s facility mail list of interested parties and property owners adjacent to the facility site. It has also been e-mailed to the facility listserv. The listserv is an automated Energy Commission e-mail system by which information about this facility is e-mailed to parties who have subscribed. To subscribe, go to the Energy Commission’s webpage for this facility, cited above, scroll down the right side of the project’s webpage to the box labeled “Subscribe,” and provide the requested contact information.

Any person may file an objection to staff’s determination within 14 days of the date of this Notice on the grounds that the project modification does not meet the criteria set forth in Title 20, California Code of Regulations, section 1769(a)(2). Absent any relevant objections, the PTA will be approved 14 days after this Notice is docketed. To use the Energy Commission’s electronic commenting feature to object to staff’s determination, go to the Energy Commission’s webpage for this facility, cited above, click on the “Submit e-Comment” link, and follow the instructions in the on-line form. Be sure to include the facility name in your comments. Once submitted, the Energy Commission Dockets Unit reviews and approves your comments, and you will receive an e-mail with a link to them.

Written comments may also be mailed or hand-delivered to:

California Energy Commission
Dockets Unit, MS-4
Docket No. 08-AFC-7C
1516 Ninth Street
Sacramento, CA 95814-5512

All comments and materials filed with and approved by the Dockets Unit will be added to the facility Docket Log and be publicly accessible on the Energy Commission’s webpage for the facility.

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If you have questions about this Notice, please contact Joseph Douglas, Compliance Project Manager, at (916) 653-4677, or by fax to (916) 654-3882, or via e-mail at Joseph.Douglas@energy.ca.gov.

For information on participating in the Energy Commission's review of the PTA, please call the Public Adviser at (800) 822-6228 (toll-free in California) or send your e-mail to publicadviser@energy.ca.gov. News media inquiries should be directed to the Energy Commission Media Office at (916) 654-4989, or by e-mail to mediaoffice@energy.ca.gov.

Date: _____

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