

DOCKETED

Docket Number:	00-AFC-01C
Project Title:	Contra Costa Power Plant Project Compliance
TN #:	214245
Document Title:	Notice of Determination for Petition to Amend Gateway Generating Station to install a New Storm Water Treatment System
Description:	PG&E Petition to Amend requested approval to install a New Storm Water Treatment System in order to comply with the most recent National Pollutant Discharge Elimination System Industrial General Permit.
Filer:	Anwar Ali
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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CALIFORNIA ENERGY COMMISSION

1518 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



**NOTICE OF DETERMINATION
PETITION TO AMEND
GATEWAY GENERATING STATION
(00-AFC-01C)**

On August 26, 2016, Pacific Gas and Electric Company (PG&E) filed a petition with the California Energy Commission requesting to modify the Gateway Generating Station (GGS). The facility is located in the city of Antioch, Contra Costa County, California. The 530-megawatt combined-cycle facility was certified by the Energy Commission on May 29, 2001, and began commercial operation on January 4, 2009.

DESCRIPTION OF PROPOSED MODIFICATIONS

PG&E is requesting approval to install a new storm water treatment system at GGS in order to comply with the most recent National Pollutant Discharge Elimination System Industrial General Permit. The proposed storm water treatment system is a pre-packaged system, consisting of source and settling tanks, a treatment system module, and a media filter assembly. Once installed, this system is expected to reduce the iron content of the storm water effluent from the current 5 parts per million (ppm) level to less than or equal to 1 ppm. The system installation process would require unloading the new system to a location immediately adjacent to the existing concrete basin used to collect the site storm water before its discharge into the San Joaquin River.

For additional information, the Energy Commission's webpage for this facility, <http://www.energy.ca.gov/sitingcases/gateway/index.html>, has a link to the petition to amend (TN 212974) accessible through the webpage in the box labeled "Compliance Proceeding." Click on the "Documents for this Proceeding (Docket Log)" option.

ENERGY COMMISSION STAFF REVIEW AND DETERMINATION

Pursuant to section 1769(a)(2) of Title 20, California Code of Regulations, Commission approval of a petition to amend is not required "(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 [LORS]...."

Energy Commission technical staff reviewed the petition for potential environmental effects and consistency with applicable LORS. Staff has determined for this petition that formal approval by the Energy Commission at a noticed Business Meeting is not required, 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;

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- Existing conditions of certification 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.

Therefore, staff is processing the request as a Staff Approved Project Modification. Staff's conclusions for each technical or environmental area are summarized in the following table:

SUMMARY OF STAFF RESPONSES TO PETITION

TECHNICAL/ENVIRONMENTAL 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		NA
Biological Resources		X		NA
Cultural Resources	X			NA
Facility Design		X		NA
Geological and Paleontological Resources		X		NA
Hazardous Materials Management		X		NA
Land Use		X		NA
Noise and Vibration		X		NA
Public Health	X			NA
Socioeconomics		X		NA
Soil and Water Resources		X		NA
Traffic and Transportation		X		NA
Transmission Line Safety and Nuisance	X			NA
Transmission System Engineering	X			NA
Visual Resources		X		NA
Waste Management		X		NA
Worker Safety and Fire Protection		X		NA

*No Energy Commission approval is necessary where staff determines there is no possibility that the proposed modifications would have a significant effect on the environment, and the modifications would not result in a change in or deletion of a condition adopted by the Commission in the Final 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)).

Staff has determined that the technical or environmental areas of Cultural Resources, Public Health, Transmission Line Safety and Nuisance, and Transmission System Engineering are not affected by the proposed project modifications.

For the technical areas of Air Quality, Biological Resources, Facility Design, Geological and Paleontological Resources, Hazardous Materials Management, Land Use, Noise and Vibration, Socioeconomics, Soil and Water Resources, Traffic and Transportation, Visual Resources, and Worker Safety and Fire Protection, staff has determined the project would continue to comply with applicable LORS and no changes to any

conditions of certification are necessary to ensure that no significant impacts occur. Staff notes the following for these technical areas:

- **Air Quality.** The proposed storm water treatment system is not expected to result in significant emissions during installation or operation. The proposed project modification would not require changes to any Air Quality conditions of certification. With implementation of the Air Quality conditions of certification in the May 2001 Decision (Decision), the project would continue to comply with all applicable LORS.
- **Biological Resources.** Although, no direct impacts from the construction of the proposed modifications are expected, implementation of the existing Conditions of Certification **BIO-2** (Designated Biologist), **BIO-4** (Worker Environmental Awareness Program) and **BIO-8** (Biological Resources Mitigation Implementation and Monitoring Plan), would ensure that the Designated Biologist is notified of all activities related to this project modification with the potential to impact biological resources. The existing conditions would also ensure that subcontractors are informed about sensitive biological resources associated with the project, the construction boundaries are clearly marked, and that all equipment storage remains within the designated construction zone.
- **Facility Design.** Construction of the concrete pads, anchorage, and associated electrical power service must comply with the 2013 California Building Code (CBC) and related engineering LORS. Implementation of the existing Facility Design conditions of certification in the Decision would ensure compliance with CBC and all applicable LORS.
- **Geological and Paleontological Resources.** Based on the information provided in the amendment petition and previous investigations, the proposed modifications would have no significant impact on geologic resources, paleontologic resources, or impacts to public health and safety due to geologic hazards. The proposed construction would not require any change to the conditions of certification related to geologic or paleontologic resources adopted in the Decision. The project would be in compliance with the current geology LORS and all conditions of certification in identified in the Decision.
- **Hazardous Material Management.** Several hazardous materials will be used during the construction of the storm water treatment system. Similar to equipment maintenance activities, these materials would include solvents, gasoline, lubricants, and welding gases which are already included in the annual compliance report under the existing **HAZ-1** Condition of Certification. No extremely hazardous or regulated hazardous materials will be used on site specifically for any of the construction activities listed above. Therefore, with the project owner's continued compliance with the existing conditions of certification; including **HAZ-1**, the proposed modifications would have no significant effect on the environment and would continue to comply with all applicable LORS.
- **Land Use.** The proposed installation of the new storm water treatment system would comply with the development standards specified in the Contra Costa County Zoning Code and Antioch General Plan. The project would remain in compliance with the

zoning codes with continued adherence to Condition of Certification **LAND-2** (Construction and permanent signage).

- **Noise and Vibration.** Construction work associated with the proposed project modifications would be temporary and would occur during the daytime hours set forth in Condition of Certification **NOISE-8** in the Decision. The proposed modifications would have no effect on the plant's operational noise. Any noise generated during these construction activities would result in a less than significant impact with implementation of the existing Noise conditions of certification in the Decision.
- **Socioeconomics.** The proposed installation of the new storm water treatment system would require very few workers. Activities associated with the proposed amendment would not result in an influx of non-local labor seeking lodging closer to the project site. Because the project would not result in new population influx, there would be no impacts to housing, parks, and law enforcement services in project vicinity. Condition of Certification **SOCIO-1** (recruit employees and procure material and supplies within Contra Costa County, Alameda, San Joaquin, and Solano counties) would apply.
- **Soil and Water Resources.** Based on the design provided by the project owner, the system would be placed at the existing grade, and would not be attached to a foundation or structural support extending below grade. The storm water treatment tank installation would not require any ground disturbance; therefore, impacts from erosion and sedimentation are not expected to result from the proposed activities. Water use for construction would also be within the limits specified in the Decision. The proposed modification would not require any changes to Soil and Water conditions of certification. If the project owner continues to comply with the existing conditions of certification, potential impacts to soil and water resources would be mitigated.
- **Traffic and Transportation.** Construction of the storm water treatment system would require six delivery truckloads over the one-week construction period. No grading or excavation would be necessary for the system installation. The traffic levels during the construction of the proposed project would be negligible. The proposed project activities would not cause significant road damage to Wilbur Avenue and would be in compliance with the parking requirements identified in Conditions of Certification **TRANS-4** and **TARNS-5**. Impacts to traffic and transportation system would be less than significant.
- **Visual Resources.** The proposed modifications would be relatively small in size and would be hidden from the views by larger existing industrial structures on the site as well as the existing landscape screening. Therefore, impacts to visual resources would be less than significant.
- **Waste Management.** The proposed activities would not result in a change or deletion of any condition of certification adopted in Decision and subsequent approved amendments. The proposed project modifications would comply with applicable Waste Management LORS with implementation of Condition of Certification **WASTE-2**.

- **Worker Safety and Fire Protection.** With continued implementation of the existing conditions of certification, the proposed project modifications would not have a significant effect on the environment and would comply with all applicable LORS. Activities performed during the construction of the storm water system would comply with worker safety and fire safety requirements identified in the health and safety plans for the licensed project as specified in Condition of Certification **WORKER SAFETY-1**.

The **Environmental Justice Population Figure** (attached) shows 2010 census blocks within the six-mile radius of the GGS have a minority population greater than or equal to 50 percent. Additionally, data from the United States Census Bureau, American Community Survey in **Environmental Justice Population Table** (below) indicate that, compared to population in Contra Costa County, the city of Antioch has a higher percent of people living below the poverty level. Therefore, the population within the six-mile radius of the GGS represents an Environmental Justice (EJ) population based on race, ethnicity, and poverty as defined in the Council on Environmental Quality's *Environmental Justice: Guidance Under the National Environmental Policy Act*. Staff has determined that the proposed modifications would not cause any significant environmental impacts, and would have no significant impacts to any population within the GGS six-mile radius, including the EJ population.

**Environmental Justice Population Table-
Poverty Data within the Project Area**

	Total Population	Population Below Poverty Level	Percent Below Poverty Level (%)
	Estimate*	Estimate	Estimate
GEOGRAPHIES IN A SIX-MILE RADIUS			
Antioch	104,797 ±333	15,366 ±1,622	14.7 ±1.5
Oakley	37,210 ±156	3,480 ±726	9.4 ±2
REFERENCE GEOGRAPHY			
Contra Costa County	1,071,795 ±880	114,171 ±4,552	10.7 ±0.4

Notes: Population for whom poverty is determined. Staff's analysis of the 2010 – 2014 estimates returned coefficient of variation values less than 15, indicating the data is reliable.

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 emailed 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 section 1769(a)(2). Absent any relevant objections, the amendment petition will

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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:

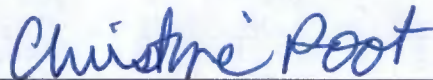
California Energy Commission
Dockets Unit, MS-4
Docket No. (00-AFC-01C)
1516 Ninth Street
Sacramento, CA 95814-5512

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.

If you have questions about this Notice, please contact Anwar Ali, Compliance Project Manager, at (916) 654-5020, or by fax to (916) 654-3882, or via e-mail at anwar.ali@energy.ca.gov.

For information on participating in the Energy Commission's review of the petition, 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.

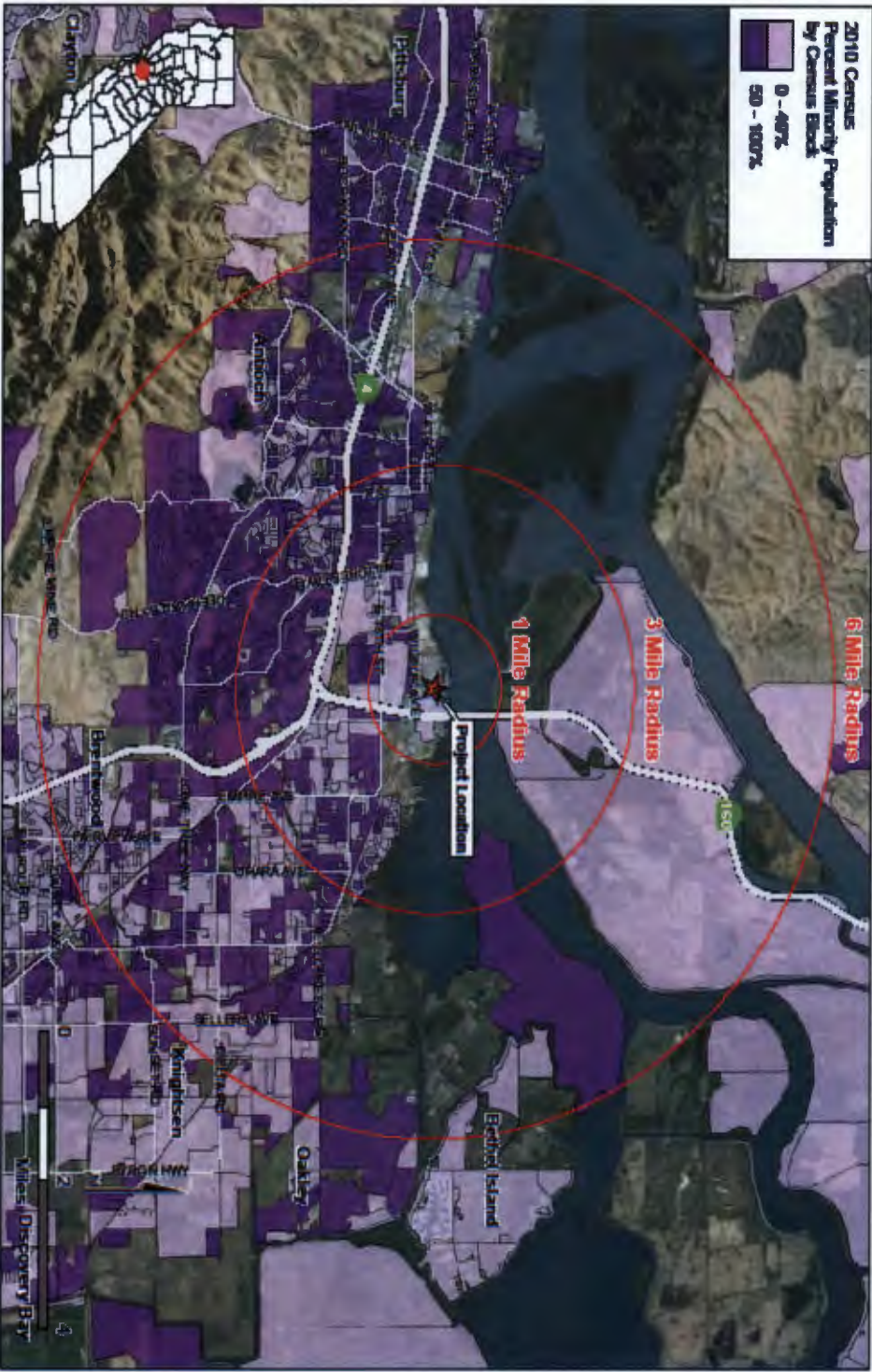
Date 10/28/16



Christine Root
Compliance Office Manager
Siting, Transmission & Environmental Protection
Division

CC: Gateway Mail list 755
Gateway listserv

ENVIRONMENTAL JUSTICE POPULATION FIGURE
Gateway Generating Station Power Project - Census 2010 Minority Population by Census Block



CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION
SOURCE: Census 2010 PL 94-171 Data