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| Docket Number: | 00-AFC-01C |
| Project Title: | Contra Costa Power Plant Project Compliance |
| TN #: | 224369 |
| Document Title: | Order Approving Settlement |
| Description: | Order No: 18-0801-5 |
| Filer: | Cody Goldthrite |
| Organization: | California Energy Commission |
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

GATEWAY GENERATING STATION

**PACIFIC GAS AND ELECTRIC
COMPANY**

Docket. 00-AFC-01C

**ORDER
APPROVING SETTLEMENT**

STAFF RECOMMENDATION

The California Energy Commission (Energy Commission) staff investigated complaints received by Pacific Gas and Electric Company (PG&E) between May 28, 2016 and June 22, 2016 at the Gateway Generating Station (GGS). After staff's investigation, staff and PG&E entered into settlement negotiations. The legal requirements at issue, as well as staff's allegations, and PG&E's admissions and denials, are included in the Settlement Agreement.

In addition to a payment in the amount of \$50,000, PG&E has agreed to additional requirements regarding air quality monitoring at start-up events at GGS and language clarifying how complaints regarding GGS are to be reported to the Energy Commission.

This matter is not subject to the requirements of Title 20, Cal. Code Regs., section 1769, because this matter was not brought through a Petition to Amend. These amendments have been agreed to by the parties through settlement negotiations.

Energy Commission technical staff reviewed the Settlement Agreement for potential environmental effects and consistency with applicable LORS. Staff determined that the existing findings of fact, conclusions of law, and conditions of certification would ensure that no significant impacts to public health and safety, or the environment would occur from implementing the new conditions of certification in the proposed Settlement Agreement.

Staff recommends that the Energy Commission approve the Settlement Agreement.

ENERGY COMMISSION FINDINGS

Based on staff's memorandum, the Energy Commission concludes that the terms of the proposed Settlement Agreement will not result in any significant impact to public health and safety, or the environment.

- The new Conditions of Certification will not change the findings in the Energy Commission's Final Decision pursuant to Title 20, section 1748;
- The project will remain in compliance with all applicable laws, ordinances, regulations, and standards (LORS), subject to the provisions of Public Resources Code section 25525;
- The new conditions of certification reflect the parties' agreement on the specific steps required to ensure and/or confirm compliance with all LORS.
- No physical modifications to the GGS will be required.

CONCLUSION AND ORDER

The Energy Commission hereby approves the Settlement Agreement, including the new conditions of certification agreed to by Pacific Gas and Electric Company and directs the Executive Director to execute the Settlement Agreement on behalf of the Energy Commission.

The Energy Commission hereby approves the following new Conditions of Certification. New language is shown as **bold and underlined**, and deleted language is in ~~strikeout~~.

CONDITIONS OF CERTIFICATION

AQ-SC12 Except for temporary sandblasting operations and the fire pump engine, the project owner shall not discharge into the atmosphere from any single source of emissions whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

- a) As dark or darker in shade as that designated No.1 on the Ringelmann Chart, as published by the United States Bureau of Mines; or**
- b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subparagraph (a) of this condition.**

Verification: The project owner shall make the site available for inspection by representatives of the Bay Area Air Quality Management District (BAAQMD),

California Air Resources Board (ARB), United States Environmental Protection Agency (EPA) and California Energy Commission (Energy Commission) Compliance Project Manager (CPM).

AQ-SC13 The project owner shall perform a visible emissions evaluation (VEE) using EPA Method 9 during any restart of the turbine following any maintenance activities requiring the Heat Recovery Steam Generator (HRSG) to be opened. For the purpose of this condition, restart shall include anytime the turbine is operated after being taken offline for maintenance activities and prior to the actual return to commercial service. The individual performing the evaluation shall be trained and certified in Method 9 evaluations.

The project owner shall notify the BAAQMD and the Energy Commission CPM at least 7 days prior to any VEE performed for a restart after scheduled maintenance activities and as soon as practicable for a restart after unscheduled maintenance activities.

Verification: At least 7 days prior to the VEE for a restart after scheduled maintenance activities and as soon as practicable for a restart after unscheduled maintenance activities, the project owner shall notify the BAAQMD and Energy Commission CPM of the anticipated restart(s) and shall provide documentation of certification of the individual performing the VEE. The project owner shall make the site available to representatives of the BAAQMD, ARB, EPA and Energy Commission CPM for viewing the restart(s). The VEE results shall be submitted to the Energy Commission CPM within 7 days of any restart.

Amend "Reporting of Complaints, Notices, and Citations" in the last paragraph on page 180 of the Commission Decision as follows:

In addition to the monthly and annual compliance reporting requirements described above, the project owner shall report and provide copies **to the CPM** of all complaint forms, **including noise and lighting complaints and any other claims or complaints from members of the public**, notices of violation, notices of fines, official warnings, and citations, **that concern or may concern a violation of any condition of certification or violation of any applicable law, ordinances, regulations or standard over which the Commission has jurisdiction** within 10 days of receipt, ~~to the CPM.~~ Complaints shall be logged and numbered. Noise complaints shall be recorded on the form provided in the NOISE Conditions of Certification. All other complaints shall be recorded on the complaint form on the following page.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on August 1, 2018.

AYE: Weisenmiller, Douglas, McAllister, Hochschild, Scott

NAY: None

ABSENT: None

ABSTAIN: None

Original Signed by:

Cody Goldthrite
Secretariat