

DOCKET

09-AFC-4

DATE	MAR 17 2011
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March 17, 2011

California Energy Commission
Docket Unit
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: **APPLICANT'S RECOMMENDED MODIFICATIONS TO FSA
CONDITION SOIL & WATER - 6
OAKLEY GENERATING STATION
DOCKET NO. (09-AFC-4)**

Enclosed for filing with the California Energy Commission is the original of
**APPLICANT'S RECOMMENDED MODIFICATIONS TO FSA CONDITION SOIL &
WATER – 6**, for the Oakley Generating Station (09-AFC-4).

Sincerely,



Marie Mills

Oakley Generating Station

Applicant's recommended modifications to FSA Condition SOIL&WATER-6.

SOIL&WATER-6: Upon project approval, the project owner shall develop and implement a Wetland E Monitoring and Adaptive Management Plan (Plan) (see **BIO-19**). The Plan shall include:

1. Monitoring of water levels within Mitigation Wetland E on a daily basis for at least one rainy season prior to construction, during construction, and during operations until the CDFG and CPM agree that water level monitoring is no longer needed to establish that there is no adverse impact to Wetland E. Water level monitoring shall demonstrate no adverse impacts to Wetland E's function as wildlife habitat due to changes in ponding extent or duration as compared to pre-project conditions. Adverse impacts to habitat resulting from changes in ponding extent, shall be determined by a decrease in daily water levels following similar rainfall events of 1 inch or greater or a decrease in average monthly water levels during the dry season. Adverse impacts to ponding duration shall be defined by an increase in the number of days recorded without ponding of greater than 30 days for years with similar annual rainfall.
2. Water quality ~~shall be sampled and analyzed quarterly.~~ Samples shall be collected from the wetland pond and at the discharge point to Wetland E during the rainy season. Discharge samples shall be collected following rainfall events ~~(0.5 inch or greater)~~ for the first three rainfall events of 0.5 inch or greater for each of the first two years of operation. Sample analyses shall include tests for pH, Dissolved Oxygen, Total Suspended Solids, Specific Conductance, Oil & Grease, and metals (Arsenic, Chromium, Iron, Selenium, Lead, Mercury, etc.). Sample analysis results shall be compared to Regional Water Quality Control Board (RWQCB) Benchmark Values and US Environmental Protection Agency (US EPA) Ambient Water Quality Criteria for Protection of Freshwater Aquatic Life. If analysis results exceed RWQCB Benchmark values or US EPA Water Quality Criteria, contingency plans should be implemented to improve or augment the stormwater quality treatment Best Management Practices on site. The plan should describe the sampling and analysis methods proposed.
3. Contingency plans to address adverse impacts to wildlife habitat caused by changes in the duration or extent of ponding or water quality in Wetland E that are attributable to project operation.
4. Identify the responsible parties and funding source(s) for the implementation of the Monitoring and Adaptive Management Plan for the life of the project.
5. Annual monitoring reports shall be submitted to the CPM for review and approval for the first two years of project operation ~~life of the project.~~ If adverse impacts to the functioning of Wetland E as wildlife habitat ~~duration or extent of ponding or water quality~~ are documented, the annual monitoring report shall outline measures to be implemented to address the adverse impacts. The annual monitoring report shall provide an update on the implementation of any contingency measures identified in previous annual monitoring reports.

Verification: At least 60 days prior to the start of any construction related ground disturbance, the project owner shall submit a copy of the Draft Wetland E Monitoring and Adaptive Management Plan to the Compliance Project Manager (CPM), **and** California Department of Fish and Game (DFG), ~~and the Central Valley RWQCB (CV RWQCB)~~ for review and comment. The CPM in consultation with DFG ~~and the CV RWQCB~~, will determine the plan's acceptability. At least 15 days prior to the start of any construction related ground disturbance, the project owner shall provide the CPM with the final version of the Wetland E Monitoring and Adaptive Management Plan that has been reviewed and approved by the CPM, in consultation with DFG and the CV RWQCB.

The Wetland E Monitoring and Adaptive Management Plan shall be implemented prior to construction, including a minimum of one rainy season of pre-construction data collection. During construction, the project owner shall provide all monitoring data in the monthly compliance report on the effectiveness of the drainage, erosion and sediment control measures and the results of monitoring and maintenance activities. The project owner shall submit copies to the CPM of all correspondence between the project owner and DFG ~~and/or the CV RWQCB~~ regarding the Wetland E Monitoring and Adaptive Management.

The project owner shall submit annual reports to the CPM, **and** DFG, ~~and the CV RWQCB~~ detailing the results of water level monitoring and water quality sampling and analysis. The annual reports shall also document all maintenance activities implemented and compliance with all goals, objectives and performance standards in the Wetland E Monitoring and Adaptive Management Plan. The annual monitoring reports shall fully describe the status of the hydrology and water quality at Wetland E and any adaptive management measures implemented. Annual monitoring reports shall be submitted for review and approval annually within 30 days of the anniversary date of the commencement of habitat improvements for the life of the project.



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
FOR THE *OAKLEY GENERATING STATION***

**Docket No. 09-AFC-4
PROOF OF SERVICE
(Revised 3/3/2011)**

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DECLARATION OF SERVICE

I, Marie Mills, declare that on March 17, 2011, I served and filed copies of the attached **APPLICANT'S RECOMMENDED MODIFICATIONS TO FSA CONDITION SOIL & WATER – 6**. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

<http://www.energy.ca.gov/sitingcases/contracosta/index.html>]. The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

- ☒ sent electronically to all email addresses on the Proof of Service list;
- ☐ by personal delivery;
- ☒ by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

- ☒ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

- ☐ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-4
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



Marie Mills