

Notice of Decision by California Energy Commission



X California Natural Resources Agency
1416 9th Street, Room 1311
Sacramento, CA 95814

From: California Energy Commission
1516 9th Street
Sacramento, CA 95814

Subject: Filing of Notice of Decision in compliance with Public Resources Code Section 21080.5 and Title 20, California Code of Regulations, Section 1768

Project Title: OAKLEY GENERATING STATION

Energy Commission Docket Number: 09-AFC-4

Energy Commission Contact Person: Kourtney Vaccaro Telephone: (916) 654-4328

DOCKET 09-AFC-4
DATE 5-18-2011
RECD. 5-18-2011

Project Location: The proposed Oakley Generating Station (OGS) project is located in the City of Oakley, California, at 5950 Bridgehead Road.

County: Contra Costa

Project Description: The OGS project is a proposed natural-gas-fired, dry-cooled, combined-cycle power plant facility with a nominal generating capacity of 624 megawatts located on an approximate 22-acre site. It is designed as a base-load facility capable of operating 24 hours per day, 7 days per week. Construction laydown and parking areas will be located on an approximate 20-acre site adjacent and east of the project site.

Primary equipment for the facility will include two General Electric (GE) Frame 7FA combustion turbine generators (CTGs), one single condensing GE D11 steam turbine generator, two unfired heat recovery steam generators, one auxiliary boiler, one air-cooled condenser, one evaporative fluid cooler, one diesel powered fire pump, and other associated equipment.

Power will be distributed to the regional electrical grid through a 230-kV connection to Pacific Gas and Electric's (PG&E's) Contra Costa Substation, located 2.4-miles to the southwest of the power plant site. Transmission to the substation will occur within an existing 80-foot-wide PG&E easement.

Project design will incorporate the air pollution emission controls designed to meet the Bay Area Air Quality Management District Best Available Control Technology determinations, including, but not limited to Dry Low Nitrogen Oxides combustors in the CTGs, to limit nitrogen oxides production, selective catalytic reduction (SCR) with aqueous ammonia for additional nitrogen oxides reduction, an oxidation catalyst to control carbon monoxide and precursor organic compound emissions. Particulate emissions will be controlled by the use of best combustion practices; the use of natural gas, which is low in sulfur, as the sole fuel for the CTGs; and high efficiency air inlet filtration.

Natural gas will require one or two off-site pipelines to supply natural gas to the project. These connections are not anticipated to be any longer than 410-feet as they are available from the adjacent PG&E Antioch Terminal high-pressure natural gas transmission line.

Water supply for the project, estimated to not exceed 250-acre-feet per year for operations, will be provided from a fresh water supply provided by Diablo Water District until such time as a recycled water connection becomes feasible. The fresh water supply connection would occur via an existing 24-inch-diameter distribution pipeline currently traversing the project site.

Wastewater will be discharged into the Ironhouse Sanitary District sewer facilities via the installation of a 0.44-mile-long force main in Bridgehead Road, along the project's western frontage, that will interconnect to an existing 18-inch-diameter gravity sewer line located in Main

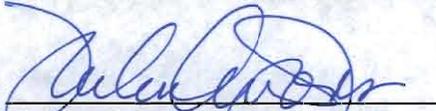
Street, approximately 600 feet east of the intersection of Bridgehead Road and Main Street. It is anticipated that wastewater discharge will not exceed more than 43 million gallons per year.

On May 18, 2011, the California Energy Commission approved the above-described project pursuant to a regulatory program certified by the Secretary of Natural Resources under Section 21080.5 of the California Public Resources Code. The Energy Commission adopted the Presiding Member's Proposed Decision (PMPD) and the Errata to the PMPD, which when combined into a single document comprise the Energy Commission Decision. The Energy Commission will formally compile the PMPD and the Errata into a single document for the convenience of readers. The effective date of the Energy Commission's decision is May 18, 2011.

1. The project will not have a significant effect on the environment.
2. A Staff Assessment, Presiding Member's Proposed Decision, and Final Decision were prepared, with the Final Decision being approved on May 18, 2011 by the California Energy Commission as a Certified Regulatory Program.
3. Mitigation measures were made a condition of approval of the project.
4. A statement of Overriding Considerations was not adopted for the project.
5. Findings were made pursuant to the provisions of the California Environmental Quality Act.

Statute of Limitations: Notwithstanding Public Resources Code section 21080.5 subdivision (g), any challenge to a certification must be brought within the time specified in Public Resources Code section 25901.

The Energy Commission docket files containing the PMPD, the Errata, and the compiled Energy Commission Decision, when available, and other information regarding the project are available to the public at: California Energy Commission, 1516 9th Street, Sacramento, California, 95814. Those documents and other information regarding the project are also available on the Energy Commission's web site located at <http://www.energy.ca.gov/sitingcases/oakley/index.html>.

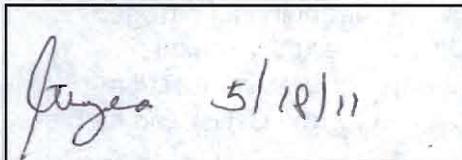


Melissa Jones,
Executive Director

5, 18, 2011
Date

Date received for filing at the Natural Resources Agency:

Resources:





State of California—The Resources Agency
 DEPARTMENT OF FISH AND GAME
2011 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT#
STATE CLEARING HOUSE # (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY California Energy Commission			DATE
COUNTY/STATE AGENCY OF FILING Sacramento, CA			DOCUMENT NUMBER
PROJECT TITLE Oakley Generating Station (09-AFC-4)			
PROJECT APPLICANT NAME Radback Energy, Inc.			PHONE NUMBER
PROJECT APPLICANT ADDRESS 145 Town and Country	CITY Danville	STATE CA	ZIP CODE 94526

PROJECT APPLICANT (Check appropriate box):

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$2,839.25	\$	\$0.00
<input type="checkbox"/> Negative Declaration (ND)(MND)	\$2,044.00	\$	\$0.00
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	\$850.00	\$	\$0.00
<input checked="" type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$965.50	\$	\$965.50
<input type="checkbox"/> County Administrative Fee	\$50.00	\$	\$0.00
<input type="checkbox"/> Project that is exempt from fees			
<input type="checkbox"/> Notice of Exemption			
<input type="checkbox"/> DFG No Effect Determination (Form Attached)			
<input type="checkbox"/> Other _____		\$	_____

PAYMENT METHOD:

Cash
 Credit
 Check
 Other _____

TOTAL RECEIVED \$ 965.50

SIGNATURE X <i>L. Lopez</i>	TITLE <i>AA I Supervisor</i>
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NOTICE

Each project applicant shall remit to the county clerk on or before filing a Notice of Determination (see Public Resources Code, Section 21152) the fee required under Fish and Game Code Section 711.4(d). Without the appropriate fee, statutory or categorical exemption, or a valid no effect determination form, issued by the Department of Fish and Game (DFG), the notice of determination is not operative, vested, or final, and shall not be accepted by the clerk.

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

1. The original cash receipt is to be issued to a project applicant when payment is made in conjunction with filing a Notice of Determination. The second copy is to be submitted to the DFG on a monthly basis. The remaining copies will be retained by the county (one for the lead agency and one for the county clerk).
2. For projects that are statutorily exempt or categorically exempt (Sections 15260-15285 or 15300-15333, Title 14, California Code of Regulations) and are filed with the county clerk, the cash receipt shall be completed and attached to the Notice of Exemption. No fee is due for statutorily exempt or categorically exempt projects.
3. For projects that the DFG has found to have no effect, the cash receipt shall be completed, and attached to the Notice of Determination; it is mandatory that a copy of the DFG No Effect Determination Form be attached to the Notice of Determination. If the project applicant does not have a No Effect Determination Form from DFG, then the appropriate filing fee is due.
4. Within 30 days after the end of each month in which the filing fees are collected, each county will summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer.

Identify the remittance on the State of California Form No. CA25 (TC31) as "Environmental Document Filing Fees" per Fish and Game Code Section 711.4.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND GAME FINES.

The following documents are to be mailed by the county clerk to DFG on a monthly basis:

- (A) A photocopy of the monthly State of California Form No. CA25 (TC31);
- (B) DFG/ASB copies of all cash receipts (including all voided receipts);
- (C) A copy of all DFG No Effect Determination Forms;
- (D) A copy of all DFG Notice of Determination filed with the county during the preceding month; and
- (E) A list of the complete name, address and telephone number of all project applicants for which a Notice of Determination has been filed. If this information is contained on the cash receipt filed with DFG under Section 753.5(e)(5), Title 14, CCR, no additional information is required.

Mail to:

Department of Fish and Game
Accounting Services Branch
1416 Ninth Street, Box 944209
Sacramento, California 94244-2090



STATE OF CALIFORNIA
 DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFG 753.5a (01/2002)

Receipt No: **4444**

Date: **5/18/2011**

Lead Agency: **California Resources Agency**
 State Agency of Filing: **Department of Fish and Game**
 Project Title: **OAKLEY GENERATING STATION 09-**

Invoice Date:
 Document No:
 Deposit No: **000619**

California Energy Commission
 1516 9th St.
 Sacramento, CA 95814

Project Applicant Name
 Project Applicant Address:
 City, State, Zip

Project Applicant (check appropriate box) Local Public Agency School District Other Special District
 State Agency Private Entity

APPLICABLE FEES:

Environmental Impact Report:	\$0.00
Negative Declaration:	\$0.00
Application Fee Water Diversion (State Water Resources Control Board Only):	\$0.00
Projects Subject to Certified Regulatory Programs	\$965.50

Lien fee: \$0.00

Penalty: \$0.00

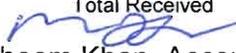
County Administrative Fee: \$0.00

Project exempt from fees \$0.00

Other Fee: \$0.00

Total Received **\$965.50**

Person receiving payment:


Mosheem Khan, Accountant I

2 copies - Project Applicant, DFG/ASB