

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:) Docket No. 08-AFC-7
Application For Certification)
GWF Tracy Combined Cycle Power Plant) STAFF’S COMMENTS ON THE
) PRESIDING MEMBER’S PROPOSED
) DECISION
)
)
)

The Committee for the Application For Certification for the GWF Tracy Combined Cycle Power Plant issued its Presiding Member’s Proposed Decision (PMPD) on February 17, 2010. Staff submits the following comments. Proposed insertions are underlined and proposed deletions appear as strikethrough text.

AIR QUALITY

- On page 95, beginning at the end of line 4 of the first paragraph under "a. Anticipated Emissions", please change as follows:

The proposed project, excluding off-site emissions, would be permitted on an annual basis to emit up to 1,128,340 ~~would be permitted, on an annual basis, to emit up to 1,110,229~~ ...

Then, please add the following footnote in reference to the numerical change as follows:

In the Final Staff Analysis on page 4.1-88, in Greenhouse Gas Table 3 the row labeled ‘Total Project GHG Emissions, excluding Off-Site Emissions (MTCO₂E/yr),’ should be 1,128,340 and not the value shown.

- Page 124, Findings of Fact:
 12. Mobile sources were included in the cumulative impacts analysis using past background concentrations, which represent the worst-case effects of mobile sources.
- Page 124, Conclusions of Law:
 1. The use of ERCs surrendered for TPP complies with District rules and regulations and will ~~mitigation~~ mitigate GWF Tracy Combined Cycle operations emissions to below the level of significance.

HAZARDOUS MATERIALS

- A typo exists in Condition of Certification **HAZ-7**, item # 3. The Condition should read as follows:

3. A statement(s) (refer to sample, Attachment C), signed by the owners or authorized representative of hazardous materials transport vendors, certifying that they have prepared and implemented security plans in compliance with 49 CFR 172.88002, and that they have conducted employee background investigations in accordance with 49 CFR Part 1572, subparts A and B;

PUBLIC HEALTH

- Page 169, 2nd para under “Construction”:

Because state law now requires using ultra-low sulfur diesel fuel, this requirement has been removed from condition **AQ-SC5** so the text should also remove the reference to **AQ-SC5**.

TRAFFIC AND TRANSPORTATION

- Page 291, Transportation and Traffic Introduction:

Although the Transportation and Traffic section includes discussion of haul routes, the discussion of the transport of hazardous materials is contained within the Hazardous Materials section of the Final Staff Assessment. Please delete reference to this discussion occurring within this section.

- Page 298, Condition of Certification **TRANS-2**:

Please delete this Condition of Certification. Staff did not include or require this condition in the Final Staff Assessment (FSA), and it is not required for the proposed project. As stated in the PMPD on page 295, and in the FSA on page 4.10-16, the FAA issued a Determination of No Hazard to Navigable Airspace, which concluded that the GWF Tracy Combined Cycle project does not exceed obstruction standards and would not be a hazard to air navigation. Therefore, this condition is unnecessary.

WORKER SAFETY

- Condition of Certification **Worker Safety-4** should read as follows:

WORKER SAFETY-4 The project owner shall make payments to the Chief Building Official (CBO) for the services of a Safety Monitor based upon a reasonable fee schedule to be negotiated between the project owner and the CBO. Those services shall be in addition to other work performed by the CBO. The Safety Monitor shall be selected by and report directly to the CBO and will be responsible for verifying that the Construction Safety Supervisor, as required in Condition of Certification **WORKER SAFETY-3**, and for

implementing all appropriate Cal/OSHA and Energy Commission safety requirements. The Safety Monitor shall conduct on-site (including linear facilities) safety inspections at intervals necessary to fulfill those responsibilities.

DATED: March 17, 2010

Respectfully submitted,

KERRY A. WILLIS
Senior Staff Counsel