

An E&E Publishing Service

ENDANGERED SPECIES: Settlement calls for Calif. power plant developers to pay \$2M mitigation fee (Monday, July 8, 2013)

Laura Petersen, E&E reporter

Owners and operators of a planned California power plant would pay \$2 million to mitigate pollution on two low-income communities and an endangered butterfly under a settlement agreement announced today by an environmental group.

The Oakley Generating Station will be one of a handful of power plants approved or already operating near the low-income communities of Antioch and Oakley. Also near the station: the Antioch Dunes National Wildlife Refuge, home to the Lange's metalmark butterfly, which has been on the endangered species list since 1976.

Emissions from power plants increase the amount of nitrogen in the refuge's soil, which has enabled invasive weeds to take over natural vegetation that the butterfly depends on for survival, according to the Fish and Wildlife Service.

The Center for Biological Diversity partnered with environmental justice groups Wild Equity Institute and Communities for a Better Environment to challenge construction of the power plant.

The groups [settled](#) with the developers, Contra Costa Generating Station LLC and Radback Energy Inc., which agreed to pay \$2 million, split evenly, for mitigation of human health and environmental impacts.

The funds will be used to install air filters and energy-efficient lighting, heating and windows at schools and to provide health education and services.

The Fish and Wildlife Service will use its mitigation funds for a butterfly captive breeding program, as well as habitat conservation and restoration.

"The Service believes that the benefits of these conservation actions will be sufficient to offset potential adverse effects to these species which may result from the increase in nitrogen deposition at ADNWR from the operation of the Oakley facility," Jan Knight, acting field supervisor of the Sacramento Fish and Wildlife Office, wrote in a letter to the developers.

The developers must begin making payments into the fund once they secure financing for

the project, said Brent Plater, executive director of the Wild Equity Institute. Pacific Gas & Electric Co. is expected to take over the payments once it purchases the power plant. However, if the utility does not do that, the developers will be required to follow through.

The full \$2 million must be paid within 10 years.

The agreement, submitted to the U.S. District Court for the Northern District of California, covers the initial construction and operating phase of the power plant. The plaintiffs retain the right to sue after the plant is sold to PG&E if plant operations pose environmental and health problems.

"By bringing grass-roots conservation and environmental justice concerns together, we've improved the well-being of us all," Plater said.

[Click here](#) to see the settlement agreement.

Want to read more stories like this?

[Click here](#) to start a free trial to E&E – the best way to track policy and markets.

About E&ENews PM

E&ENews PM is written and produced by the staff of E&E Publishing, LLC. A late afternoon roundup providing coverage of all the breaking and developing policy news from Capitol Hill, around the country and around the world, E&ENews PM is a must-read for the key players who need to be ahead of the next day's headlines. E&ENews PM publishes daily at 4:30 p.m.



E&E Publishing, LLC
122 C St., Ste. 722, NW, Wash., D.C. 20001.
Phone: [202-628-6500](tel:202-628-6500). Fax: [202-737-5299](tel:202-737-5299).
www.eenews.net

All content is copyrighted and may not be reproduced or retransmitted without the express consent of E&E Publishing, LLC. [Click here](#) to view our privacy policy.