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May 13, 2016

The Honorable Janea Scott, Presiding Member
The Honorable Karen Douglas, Associate Member
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Subject: Pomona Repower Project (16-SPPE-01)
Notice Pursuant to Title 20 California Code of Regulations, section 1716(f)
Objections to Staff's Data Requests, Set 1 (Nos. 1 through 45)

Dear Commissioners Scott and Douglas:

Pursuant to Section 1716(f) of the California Energy Commission's regulations, AltaGas Pomona Energy Inc. (Applicant) hereby files this notice of additional time and objections to certain data requests issued by Staff on April 27, 2016 for the Pomona Repower Project (PRP) (Staff's Data Requests, Set 1 (Nos. 1 through 45).

Request for Additional Time

Applicant requests an additional 30 days or more (as stated below) beyond the current May 27, 2016 response deadline to respond to Data Requests 6, 7, 29, 38, 39, 40, 41, 42, 43, and 45. Data Request 6 asks for a list of air emission sources to be considered in the cumulative air quality impact analysis. South Coast AQMD is still processing the Applicant's request for that data. Receipt of the information may require additional time since it is outside of Applicant's control. Similarly, Data Request 7 asks the Applicant to prepare cumulative modeling and impact analysis, which is dependent on the emission source data from South Coast AQMD. Hence, an additional 30 days is requested to prepare that analysis once the cumulative emission source data is received.

Data Request 29 requests a copy of the FAA's Hazard Determination regarding the height of cranes used during construction. The Applicant does not need additional time to submit the 7460-1 form to the FAA, but receipt of the FAA's determination may require additional time because it is outside the control of the Applicant.

Alaska California Idaho
Minnesota Oregon Utah Washington
and Washington, D.C.

Data Request 38 asks for cooling tower exhaust characteristics for the various gas turbine operating modes/ambient conditions. The Applicant will need additional time to obtain that data from the cooling tower vendors and analyze it. Data Request 39 asks for visible plume modeling analysis and, as such, the Applicant requires additional time to obtain and run the model.

Data Requests 40, 41, and 45 ask for Will Serve letters from the City of Pomona. Since receiving such letters is outside the control of the Applicant, additional time may be needed. Similarly, Data Requests 42 and 43 ask the Applicant if a Water Supply Assessment (WSA) will be required for the potable water supply (42) and for the recycled water supply (43) and to provide such an assessment, if needed. Again, preparation of a WSA is the responsibility of the purveyor, or in this case, the City of Pomona. It is not the responsibility of the Applicant. Hence, all the Applicant can do, with respect to data requests 40, 41, 42, 43, and 45, is to request the information from the City. Whether or not it will be received by May 27th is outside the control of the Applicant.

Applicant, therefore, requests a 30-day extension to respond to Data Requests 6, 29, 38, 39, 40, 41, 42, 43, and 45, and will submit the requested information as soon as it is available. For Data Request 7, Applicant requests an additional 30 days to prepare the cumulative air modeling and impact analysis, once the data is received from South Coast AQMD.

Objections

Applicant objects to Data Requests 16, 17, 32, 37B, 37C, and 44. Specifically, the premise underlying these Data Requests is not accurate because they seek information that implies a CEQA baseline devoid of the presence of an existing power plant that has existed for decades, located within an industrial area. It is a well-established principle under CEQA that the baseline conditions are established by the existing environmental setting at the time the environmental analysis is commenced (Title 14, Cal. Code Regs. §15125(a)). Below, please find Applicant's specific objections to Data Requests 16, 17, 32, 37B, 37C, and 44.

Objection to Data Request 16:

Data Request 16 ignores the fact that the Applicant is not replacing the transmission line poles, but merely reconductoring about 0.2 miles of existing transmission line. Thus, data pertaining to transmission line spacing, existing pole design and grounding measures is irrelevant because none of those elements will change from current conditions, only the size of the conductors will change. Data Request 16 ignores the baseline conditions. On this basis, Applicant objects to

Data Request 16. However, without waiving such objection to Data Request 16, Applicant will respond to the request to the extent that responsive information is reasonably available.

Objection to Data Request 17:

Data Request 17 ignores the fact that there is an operating power plant on the project site that uses 19 percent aqueous ammonia stored in an existing 10,000-gallon tank. Because the existing San Gabriel Cogeneration Facility uses aqueous ammonia, it has a Risk Management Plan (RMP) in place. The Certified Unified Program Agency (CUPA) has indicated that the new Pomona Repower Project (PRP) will require an update to the existing RMP but the CUPA will not be issuing a new permit. Hence, the CUPA will not be treating PRP as a new facility. Therefore, requesting "a worst-case OCA [Offsite Consequence Analysis] to determine the impact to the surrounding community" from a new 10,000-gallon tank at PRP that will store 19 percent aqueous ammonia, ignores the baseline condition. On this basis, Applicant objects to Data Request 17. However, without waiving such objection to Data Request 17, Applicant will respond to the request to the extent that responsive information is reasonably available.

Objection to Data Request 32:

Data Request 32 assumes that a plume velocity of 4.3 meters per second (m/s) is the "established threshold" for thermal plumes. Applicant objects to the characterization of 4.3 m/s as an established threshold. The threshold of 4.3 m/s derives from the Australian Government Civil Aviation Safety Authority (CASA) 2004 Advisory Circular[1]. However, that guidance is outdated.

The 2004 CASA guidance indicated that *"exhaust plumes with a vertical gust in excess of the 4.3 metres [sic] per second (m/s) threshold may cause damage to an aircraft airframe, or upset an aircraft when flying at low levels."* However, according to a report prepared by the Airport Cooperative Research Program (ACRP), CASA was unable to verify the source of this threshold.[2]

[1] Australian Government Civil Aviation Safety Authority (CASA) Advisory Circular AC 139-05(0), June 2004.

[2] DeVita, P., Email to Anna Henry, CASA Airspace Specialist, Harris Miller & Hanson Inc., June 5, 2013. From Transportation Research Board, Airport Cooperative Research Program (ACRP) Report 108, 2014, p. 55.

The CASA guidance was revised in 2012[3] to include a new critical plume velocity criterion of 10.6 m/s, along with a revised plume assessment methodology and new mitigation options if the plume assessment shows a potential hazard to aircraft. The new 10.6 m/s criterion is based on Airservices Australia's "Manual of Aviation Meteorology"[4] which defines severe turbulence as vertical wind gusts in excess of 10.6 m/s, which may cause a momentary "loss of control." Any reliance on CASA guidance for determining the significance of plume velocities should use 10.6 m/s instead of the outdated and unsubstantiated 4.3 m/s threshold.

Moreover, the 2004 CASA guidance also states, *"Since plume rise and lateral dispersion are highly dependent on crosswind and the temperature differential between the plume and ambient air, this assessment requires the use of site specific metrological [sic] data throughout the full height of the plume."*[5] Therefore, a plume rise assessment using the Spillane method and a 4.3 m/s vertical velocity must be consistent with the 2004 CASA guidance.

With respect to guidance in the U.S., the ACRP guidebook[6] recommends that a plume assessment

> "…should evaluate the height at which the plume velocity from the exhaust stack reaches the average vertical velocity criterion of 4.3 m/s along with the new critical plume velocity criterion of 10.6 m/s. To put these two thresholds into some perspective, the 4.3 m/s is equivalent to the wind blowing at 9.61 mph (or 8.4 knots) and the 10.6 m/s threshold is equivalent to a wind blowing at 23.7 mph (or 20.6 knots). Using the Beaufort Wind Scale,[7] ***the 4.3 m/s is characterized***

[3] Australian Government Civil Aviation Safety Authority (CASA), Advisory Circular (AC) 139-5(1), November 2012. "Plume Rise Assessments." The June 2004 advisory circular is no longer referenced on the CASA website.

[4] Airservices Australia, "The Manual of Aviation Meteorology," 2003.

[5] CASA 2004, p. 4 (emphasis added).

[6] Transportation Research Board, Airport Cooperative Research Program (ACRP) Report 108, "Guidebook for Energy Facilities Compatibility with Airports and Airspace," 2014, p. 56.

[7] U.S. National Oceanic and Atmospheric Administration (NOAA), "Beaufort Wind Scale": http://www.spc.noaa.gov/faq/tornado/beaufort.html.

> ***under the Beaufort scale as a gentle breeze described as leaves and small twigs constantly moving.*** The 10.6 m/s is characterized as a fresh breeze described where small trees in leaf begin to sway." [Emphasis added.]

A "gentle breeze" is clearly not a significant impact or even a potentially significant impact that requires mitigation.
The ACRP guidebook for energy facilities' compatibility goes on to state, "[t]he 4.3 m/s is not a standard, but rather a trigger for further plume assessment in order to evaluate the potential hazard to aircraft operations."[8] Data Request 32 improperly suggests the 4.3 m/s threshold as an absolute standard that determines significance, contrary to aircraft safety expert guidance. To that end, Applicant objects to Data Request 32. However, without waiving its objections to Data Request 32, Applicant will respond to the request to the extent that responsive information is reasonably available.

Objection to Data Requests 37B and 37C:

Data Requests 37B and 37C seek information regarding lighting methods to eliminate all uplighting, night sky light pollution, and direct offsite illumination. These requests ignore the current, onsite lighting and existing sky light pollution coming from an urban area of the 10+ million people residing and working in Los Angeles County. There is no evidence that PRP will cause impacts related to night lighting and offsite illumination in excess of the baseline. Thus, there is no basis for requesting this information. Moreover, there is no basis for suggesting that PRP should consider eliminating all uplighting and all direct offsite illumination. For these reasons, Applicant objects to Data Requests 37B and 37C. However, without waiving its objections to Data Request 37, parts B and C, Applicant will respond to the request to the extent that responsive information is reasonably available.

Objection to Data Request 44:

Data Request 44 ignores the fact that the existing San Gabriel Cogeneration Facility uses 100 percent potable water. The proposed PRP will use recycled water for cooling, which will meet the majority of its water needs. PRP will use about 22 percent of the current facility's potable water consumption, while producing more than twice the electrical output. In comparison to the baseline, there is no significant CEQA impact to water resources, yet the Staff requests a rationale as to why refrigerative (mechanical) inlet-air chilling, dry inter-cooling, and dry low

[8] ACRP 2014, p. 55.

NOx are not being proposed. Moreover, Staff also asks why, in addition to cooling tower makeup, recycled water is not being proposed for all industrial processes. Because PRP will have no adverse impact to water supply—in fact, it will result in a benefit by switching from potable to recycled water—there is no basis for requesting information related to water use alternatives. To that end, Applicant objects to Data Request 44. However, without waiving such objection to Data Request 44, Applicant will respond to the request to the extent that responsive information is reasonably available.

Very truly yours,

Kristen T. Castaños