STATE OF CALIFORNIA — THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512

December 6, 2007

Mr. Joe Stenger
Sr. Project Manager
TRC
2666 Rodman Drive
Los Osos, CA 93402

DOCKET
07-SPPE-2
DATE DEC 06 2007
RECD. DEC 06 2007

Dear Mr. Stenger:

DATA REQUESTS 99 to 135 (SET #2) FOR THE ORANGE GROVE POWER PLANT PROJECT (07-SPPE-2)

Pursuant to Title 20, California Code of Regulations, section 1716, the California Energy Commission staff is asking for the information specified in the enclosed data requests. The information requested is necessary to: 1) more fully understand the project and a water supply alternative for which you are compiling information; 2) assess whether the facility will be constructed and operated in compliance with applicable regulations; 3) assess whether the project will result in significant environmental impacts; 4) assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner; and 5) assess potential mitigation measures.

The requested information in Data Requests Set #2 focuses on the technical areas of air quality, biological resources and cultural resources. Written responses to the enclosed data requests (Set #2) are due by January 5, 2008, or an alternative date that is mutually agreeable with staff. They may also be included in your Supplemental Information to the Application document, which I understand you are preparing.

If you have any questions, please call me at (916) 654-4640, or email at fmiller@energy.state.ca.us.

Sincerely,

Felicia Miller

Felicia Miller, Project Manager
Energy Facilities Siting Division

Enclosure

PROOF OF SERVICE (REVISED 10/16/07) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 12/6/07
AE

Orange Grove Power Plant Project
07-SPPE-2
DATA REQUESTS

Technical Area: Air Quality
Author: William Walters

BACKGROUND

Water Source Alternative

The applicant's water source alternative will require a significant amount of delivery truck traffic and will create a potentially significant secondary source of emissions during plant operation. Additionally, the water quality may impact the cooling tower particulate emissions. Staff needs additional information to address air quality issues related to the alternative water source.

DATA REQUEST

99. Please provide a description of the water trucks that will be used, including; water capacity, and number of trailers (single or tandem).

100. Please indicate if the applicant will buy the water tanker trucks (new or used), or if the water trucking be contracted to another party.

101. Please provide the round trip route and distance.

102. Please quantify the total maximum daily and annual trips and indicate whether the expected peak delivery levels will coincide with expected peak operating intervals for the power plant.

103. Please quantify the criteria pollutant water truck emissions.

104. Please provide the water Total Dissolved Solids (TDS) content, and the resulting cooling tower recirculating water TDS content.

105. Please quantify the hourly, daily, and annual cooling tower particulate emissions resulting for this water supply.

106. Please identify any proposals to mitigate (e.g. types of trucks that emit at lower levels) water truck emissions.

BACKGROUND

Dispersion Model – Version of Dispersion Model

The applicant used a dated version of the AERMOD dispersion modeling system. The last update was performed in January of 2007, which would have given the applicant adequate time to use this latest version of the modeling system for the Small Power Plant Exemption (SPPE) application provided in July 2007. In consultation with the San Diego Air Pollution Control District (SDAPCD), staff has determined that SDAPCD will require an air quality impact analysis using the latest version of AERMOD modeling system (AERMOD/AERMET/AERMAP) be used for that analysis. To insure consistency

that air quality impacts are adequately assessed, the applicant must revise the modeling to the latest version of the AERMOD modeling system.

DATA REQUEST

107. Please revise the construction and operating impact analysis using the latest version of the AERMOD modeling system.

BACKGROUND

Construction Emission Calculations - Completeness

The fugitive dust emissions provided as a response to Data Request 5 should include emissions for onsite activities, in addition to only soil excavation. Included should be scraper travel, dozer and grader emissions using AP-42 emission factors. The response to Data Request 5 appears to underestimate the fugitive dust emissions for this project that will occur from the significant soil movement requirements necessary to level the site.

DATA REQUEST

108. Please provide particulate emissions estimates for all construction activities including truck and construction employee travel over unpaved roads/surfaces, scraper travel emissions, dozer fugitive dust emissions, and motor grader fugitive dust emissions using appropriate AP-42 calculation procedures.

BACKGROUND

Construction Emission Calculations – Emission Factors

The on-road construction equipment emissions estimate provided as a response to Data Response 6 appears to be underestimated, as it incorrectly uses delivery vehicle emission factors for heavy duty diesel trucks, such as concrete trucks, dump trucks, and water trucks. The emission estimate needs to be corrected using proper emission factors.

DATA REQUEST

109. Please revise the on-road vehicle emission estimates to reflect expected use of heavy duty diesel trucks during the project construction phase. We recommend using the latest South Coast Air Quality Management District on-road emission factors, appropriate for heavy-heavy duty truck travel required during construction.

BACKGROUND

Construction Emissions Dispersion Modeling

There are major differences between the response to Data Request 8 when it is compared with the emissions presented in Data Response Exhibit 3-1 and the emissions modeled. A review of the model indicates the values are inconsistent, and in some cases the error is as much as a factor of 24. The modeled construction emissions need to match the construction emission estimate. In addition, the response showed a problematic NO_2 exceedance based on the current standard of 470 ug/m^3. The modeling was overly conservative and needs to be revised to use the ozone limiting method (NOx_OLM), with or without the plume volume molar ratio method (PVMRM), option in AERMOD to provide more reasonable NO_2 impact results.

DATA REQUEST

110. Please correct the construction emission modeling, using the latest version of the AERMOD modeling system, so that it correctly matches the final construction emission estimate on an hourly, daily, and annual basis.

111. Please revise the 1-hour NOx modeling incorporating NOx_OLM, with or without PVMRM, using appropriate hourly ozone data obtained from the San Diego Air Pollution Control District (District) or the California Air Resources Board.

BACKGROUND

Gas Turbine Best Available Control Technology (BACT) Levels for VOC

The response to Data Request 10 indicates that the proposed BACT VOC emissions concentration will be 2.0 ppm, but the revised emission estimate provided in Exhibit 28-1, Table 28-2 seems to indicate an emission basis of approximately 0.75 ppm. Staff needs clarification of the BACT VOC emission concentration limit and hourly emissions basis for the gas turbines.

DATA REQUEST

112. Please provide the calculation of the VOC hourly emissions provided in Exhibit 28-1 of the first round of data responses based on the requested BACT VOC emission concentration limit of 2.0 ppm. While we are aware that the turbine manufacturer may have provided VOC hourly emissions data, please note that we need a response reflecting calculation for a consistent, specific BACT limit.

BACKGROUND

Gas Turbine BACT Levels for Ammonia

The response to Data Request 11 indicates that the ammonia slip emissions are requested to be 10 ppm. Staff notes that the proposed MMC Chula Vista (07-AFC-4) project, a project also currently undergoing licensing that also uses LM6000 gas turbines, is proposing an ammonia limit of 5 ppm. Staff needs the applicant to justify the 10 ppm ammonia slip limit requested for the Orange Grove project.

DATA REQUEST

113. Please justify, in consideration of the 5 ppm ammonia slip limit request from the MMC Chula Vista project, the requested gas turbine ammonia slip emission limit of 10 ppm for the Orange Grove project.

BACKGROUND

Gas Turbine Initial Commissioning Emissions

Staff needs the data responses regarding the gas turbine initial commissioning emissions (Data Request 12 and 13) to be augmented to fully evaluate the initial commissioning impact analysis. Specifically, the duration of commissioning needs to be clarified and the exhaust parameters and emissions for each type of initial commissioning test are needed to evaluate the initial commissioning impacts.

DATA REQUEST

114. Please confirm the information regarding commissioning test duration given in the SPPE application is the requested worst-case duration and the information provided in the response to Data Request 12 is a more-likely or best-case scenario.

115. The information provided for Data Response 13 provides a proxy for the worst case commissioning emissions and exhaust parameters. Staff cannot confirm this proxy adequately covers the worst-case conditions for all of the commissioning tests. Please provide the expected exhaust parameters (temperature and velocity), and criteria pollutant emission rates for each of the initial commissioning tests identified in the response to Data Request 12.

BACKGROUND

Firewater Pump Engine Design/Emissions

The initial responses to Data Requests 16 and 17 appear to provide incorrect information based on the related firewater pump engine information provided in the accompanying Exhibit 16-1, 17-1, and 28-1. Staff needs clarification on this information.

DATA REQUEST

116. Please confirm the emissions from the firewater pump engine, as shown in Exhibit 28-1, Table 28-3 were in fact increased, in contrast to the statement made in the response to Data Request 16 that emissions weren't impacted, based on the increase in requested engine horsepower.

117. The basis for the SOx emissions from the firewater pump engine was not corrected to ultra low sulfur (15 ppm sulfur) diesel fuel, as noted to be the fuel type in the response to Data Request 17. Please confirm the acceptability of staff making that emission rate correction.

BACKGROUND

Cooling Tower Emissions

Staff's review of the cooling tower information provided in the response to Data Requests indicate the responses provide more reasonable estimates than found in the SPPE application for the cooling tower recirculating flow, drift fraction, and emission rate. However, errors have been identified in the emission calculation, which would require additional confirmation of the drift fraction and water quality calculations.

DATA REQUEST

118. The applicant's response to Data Request 18 provides a specification for the drift eliminator. The District does not require that cooling towers get an air permit; therefore, in order to verify the drift fraction proposal, staff will incorporate a cooling tower design condition to be verified during construction that will confirm that the proper drift eliminator has been selected for the project. Please confirm that the applicant can stipulate to the drift fraction provided (0.001%) in the response to Data Request 18.

119. The applicant's response to Data Request 19 and Exhibit 28-1 Table 28-4 appear to provide incorrect hourly and maximum daily PM10 emission levels from the cooling tower. Staff's review would indicate the correct hourly and maximum daily emissions would be 0.078 lb/hour and 1.87 lbs/day. Please confirm these values or otherwise provide corrected calculations.

120. The applicant's response to Data Request 21 provides a recirculating water TDS concentration of 2,590 ppm. Staff cannot duplicate the calculation for this value based on the applicant's assumption of five cycles of concentration and the water quality information provided in Exhibit 21-1. Please provide the calculation for the recirculating water TDS concentration.

BACKGROUND

Operating Emissions Dispersion Modeling – Emission Inputs

Staff has identified errors in the applicant's revised modeling in response to Data Request 27 related to the emission inputs. Specifically, the 8-hour CO and 24-hour SO_2 emission inputs for the gas turbines appear to be too high by a factor of 2. Additionally, the 24-hour PM10 emission modeling emission inputs for the cooling tower are incorrect (daily rate is too low based on the incorrect daily number given in Exhibit 28-1, Table 28-4) and the annual cooling tower emissions are modeling incorrectly as the third cooling tower cell was omitted. Staff requires these incorrect inputs to be corrected when the applicant revises the modeling analysis.

DATA REQUEST

121. When remodeling the operating emissions, using the current version of the AERMOD modeling system, please correct the 8-hour CO and 24-hour SO2 emission inputs for the gas turbines, the 24-hour PM10 emission inputs for the cooling tower, and add the third cooling tower cell for the annual PM10 modeling.

BACKGROUND

Operating Emissions – Revised Emission Values

The applicant's data response Exhibit 28-1 provides revised gas turbine hourly emissions for all of the criteria pollutants. The revision for the SOx emission rate, based on fuel sulfur content, was explained in other data responses; however, the revisions to the NOx, CO, VOC, and PM emission rates were not explained. Staff needs additional information to understand the rationale behind all of these emission rate revisions.

DATA REQUEST

122. Please explain the rationale for the gas turbine hourly emission rate revisions for NOx, CO, VOC, and PM10.

BACKGROUND

Air Quality Permit Application

The proposed project will require an air quality permit from the SDAPCD. Staff will need to coordinate with the District to keep apprised of any air quality issues determined by the District during their permit review.

DATA REQUEST

123. Please provide a copy of the permit application materials, other than direct copies of SPPE application materials, which have been submitted to the SDAPCD.

124. Until the case has been decided by the Commission, please provide copies of all substantive materials submitted to and received by the SDAPCD within a week of their submittal/receipt.

Orange Grove Power Plant Project
07-SPPE-2
DATA REQUESTS

Technical Area: Biological Resources
Author: Susan Sanders

BACKGROUND

Pages 6.6-18 of the application state that the federally threatened coastal California gnatcatcher has: "moderate to high potential to occur within 1 mile of the Site or within 1,000 feet of Project linear corridors." The SPPE application also documents records for this species within three miles of the project site. Sage scrub habitat, which could support this species, occurs at the project site and will be impacted by construction. Project biologists did not detect gnatcatchers during the two site visits. However, the U. S. Fish and Wildlife Service (USFWS) typically considers a listed species to be present in an area (if the project site is within the range of the species and if suitable habitat is present) unless they have the results of protocol-level surveys documenting absence.

DATA REQUEST

125. a. Please provide results of surveys for coastal California gnatcatchers, conducted in accordance with the USFWS survey guidelines (Coastal California Gnatcatcher (Polioptila californica californica) Presence/Absence Survey Guidelines, February 28, 1997), or provide confirmation that the USFWS considers such surveys unnecessary to assess the impacts of the proposed project.
b. If survey results indicate the gnatcatcher is present on the site and/or surrounding area, please discuss the project's impact, if any, and a corresponding mitigation proposal.

BACKGROUND

Page 2-2 of the application states: "Project construction will disturb a total of approximately 15.8 acres; 8.5 acres onsite and 7.3 acres adjacent to the Site ... native planting will occur following construction, so that the long-term disturbance for the Project will be only approximately 5 acres and there will be a net increase in native habitat area." Table 6.6-5 on page 6.6-39 of the application specifies that the following acreage of new native habitat will be created in the project area:

- 4.4 acres of Diegan coastal sage scrub habitat
- 4.8 acres of native plant ground stabilization (e.g., grass and shrubs)
- 1 acre native plant landscaping (i.e., trees and shrubs)

Figure 2.2-8 in the SPPE application provides a Preliminary Landscape Plan showing coast live or Englemann oaks, toyon, and sugar sumac planted at various locations on the eastern and southern perimeter fencing for visual screening, and notes that cut and

fill slopes constructed during grading will be hydroseeded with coastal sage scrub/grassland seed mixture to stabilize soils and minimize erosion.

In reviewing this figure, it is not possible for staff to determine how this landscaping plan accomplishes restoration of 4.4 acres of coastal sage scrub, 4.8 acres of native plant ground stabilization, and 1 acre of native plant landscaping. Appendix 2-A provides a list of native trees, shrubs and grasses that might be used (and does not include toyon or sugar sumac, two of the three species specified in the landscaping plan), but does not provide any additional information except to state in a footnote that: "Native species selected for planting will be finalized in consultation with DPLU considering the Project Fire Protection Plan and County requirements."

Landscaping and erosion control, even using native species, is generally not considered compensatory mitigation for habitat loss by resource agencies such as the USFWS and California Department of Fish and Game (CDFG). Coastal sage scrub is one of the most intractable vegetation types to restore, and cannot be accomplished by hydroseeding a native grass/shrub seed mixture. Oaks and native shrubs planted for aesthetic purposes and visual screening do not provide adequate habitat values to be considered compensatory mitigation, nor can they be considered part of a self-sustaining, natural ecosystem, particularly if they are irrigated and maintained as ornamental landscaping.

DATA REQUEST

126. Please provide a native plant restoration plan that would mitigate for construction impacts to 15.8 acres, including loss of 0.6 acres of Diegan coastal sage scrub, and that would fulfill the goals stated in the application (to have a net increase in "*native habitat area*"). Please consult with USFWS and CDFG in preparation of this plan to satisfy concerns they may have relating to compensatory mitigation for federal and state listed species that could be affected by the proposed project.

BACKGROUND

The application does not discuss the location of laydown or staging areas for either the gas or water pipeline construction, but staff believes that such areas will be needed along the alignments to park vehicles/equipment and store pipes and other materials during construction. In the description of biological resource survey field methods on page 6.6-22, the application states that biological resource surveys were conducted by:

- "Slowly driving Pala del Norte Road, a paved road that parallels the western boundary of the Site before turning north and upslope of the Site. This method was chosen over walking linear transects of the proposed water corridor due to the open visibility of habitat on either side of the road;

- Driving multiple slow passes on SR 76 between the Site and Rice Canyon Road. This method was chosen over walking linear transects of the proposed gas corridor due to the open visibility of habitat on either side of the road and for safety reasons."

Based on this description of field methods, there has not been an on-foot biological survey for areas associated with pipeline construction, yet such surveys would be needed to detect rare plants or adequately assess potential for impacts to listed species and other sensitive biological resources. Habitat for a number of listed species, including arroyo toad, least Bell's vireo, and southwestern willow flycatcher, occur near the project area, and staff believes the project has potential to affect listed species.

Staff also needs to know if the gas pipeline will be installed under the paved surface of the SR 76, or on the shoulder some distance from edge of pavement. If the latter, it is important to know how far from the edge of pavement construction is proposed because of sensitive resources immediately adjacent to SR 76. Page 2-35 of the application states: "The natural gas and water pipelines will be installed underground within the roadbed and shoulders of SR 76 and Pala del Norte Road, respectively." But page 6.6-36 of the application states: "The gas pipeline lateral ... will be installed within the existing limits of disturbance of SR 76, as far out of traffic lanes as practical." Staff needs clarification as to how far from the edge of pavement gas pipeline construction is proposed, and to have some more detail on construction locations for both pipelines.

DATA REQUEST

127. Please provide a detailed figure, similar in scale to the map in figure 6.6-4 of the application that depicts the alignment of the gas pipeline with respect to sensitive biological resources, such as mature trees and riparian habitat. This figure should also show the location of proposed staging/laydown areas for the gas and water pipelines.

128. Please provide survey results from recent field surveys documenting that a qualified biologist has adequately surveyed the proposed staging/laydown sites and all other potential impact areas associated with pipeline construction.

Technical Area: Cultural Resources
Author: Dorothy Torres

Please provide any documents under confidential cover that may reveal the location of an archaeological site.

BACKGROUND

Figure 1a, submitted in the Confidential Report does not include the location of all previously recorded cultural resources within 200 feet of the project site or within 50 feet of the centerlines of the linear facilities. These previously recorded or identified cultural resources were discussed in the original Confidential Report and in information compiled by the California Historical Resources Information System (CHRIS), but their locations are not plotted on Figure 1a. To ensure that all impacts to cultural resources are appropriately mitigated, it is necessary that these locations be plotted on a map to show their spatial relationship to the proposed project so staff can include mitigation, if necessary, in the analysis.

DATA REQUEST

129. Please update Figure 1a with locations of the following cultural resources and provide a copy of the figure to staff:

    a. SDI-13769, SDI-773, and SDI-13762

    b. Butterfield Stage Line Route and Route East Stage Line

BACKGROUND

Figure 1a, in the Confidential Report indicates the location of many archaeological sites previously identified near the proposed gas line route. Whether these archaeological sites are within 50 feet of the gas line route, it does not seem reasonable to assume that archaeological sites located on the north side of Highway 76 may not extend to the south side which is the proposed gas pipeline route. It is essential that sites that may exist in the path of the gas line route be identified prior to construction to allow avoidance or mitigation including data recovery.

DATA REQUEST

130. Please provide an archaeological testing plan to verify the presence or absence of cultural material at previously recorded sites north of Highway 76 to determine whether they extend under the roadway to the south side of Highway 76. If locations of some of these sites are indeterminate, please state. The testing plan needs to address the following previously recorded archaeological sites: SDI-683, SDI-14609, SDI-12585; SDI-744 A, 744B, 744B2; SDI-786, SDI-13004, 13768, 13769; SDI-13005; SDI-13766, Locus A, and SDI 13007.

BACKGROUND

The original Confidential Report states that significant sites that may be impacted by the project will be avoided. Since the location of some of the previously recorded sites could not be verified by the project, and the known location of other archaeological sites is not precise, staff needs clarification on how the project plans to avoid those sites. Staff also needs additional information on which sites may be significant. If avoidance of significant sites is not possible, staff must provide mitigation measures, so any unavoidable impacts must be identified for staff's analysis.

DATA REQUESTS

131. Please provide a list of each archaeological site noted in the Confidential Report indicating the significance or lack thereof, for each site.

132. Please provide a detailed discussion of the methods that the project would use to avoid known archaeological sites, in general, and in particular, addressed to any known probably significant sites that the project could impact adversely.

133. Please provide a Department of Parks and Recreation detail form for any archaeological site that the project is likely to impact.

BACKGROUND

Pages 1 and 2 of the Confidential Report submitted in the first round of data requests recommends boring under site SDI-13766, since the applicant could not identify the location of previously recorded loci. Staff needs firm boundary location information for this site to ensure that the directional boring proposed as an avoidance measure would be effective.

DATA REQUEST

134. Please provide a test plan that recommends a strategy for determining the boundaries of previously identified loci at the project site.

BACKGROUND

Information from the California Historical Resources Identification System (CHRIS) identifies a cultural resources study that was previously conducted at the project site and in the area of the water line route. This information is necessary for staff to complete the analysis.

DATA REQUEST

135. Please provide a copy of the cultural resources study report identified as "Alter 92-04" on the CHRIS map that illustrates survey locations.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

ORANGE GROVE POWER PLANT REPLACEMENT PROJECT **SMALL POWER PLANT EXEMPTION**	**Docket No. 07-SPPE -2** **PROOF OF SERVICE** **Revised (10/16/07)**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

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DECLARATION OF SERVICE

I, April Esau, declare that on December 6, 2007, I deposited copies of the attached Data Data Requests 99 to 135 (Set #2) for the Orange Grove Power Plant Project in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

April Esau

April Esau