

QUAIL BRUSH GENCO, LLC
9405 Arrowpoint Boulevard
Charlotte, NC 28273

DOCKET	
11-AFC-3	
DATE	FEB 27 2012
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February 27, 2012

Siting Committee
Raoul Renaud, Hearing Officer
Eric Solorio, Project Manager
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

**Re: Quail Brush Generation Project (11-AFC-03)
Initial Response to Staff's Data Requests, 1 through 58**

Dear Members of the Siting Committee and Mr. Solorio:

In response to the California Energy Commission Staff's Data Requests, 1 through 58, dated February 7, 2012, Quail Brush Generation Project (Quail Brush) is requesting additional time to respond or explaining why Quail Brush is unable to respond to the following data requests pursuant to Section 1716(f) of the CEC's regulations: Requests 2, 3, 16, 17, 22, 23, 24, 25, 27, 29, 30, 37, 38, 40, 43, and 58. Each of these Data Requests are itemized below along with a short description of the reasons for the inability to provide the information at this time.

Specific Data Requests and Reasons for Inability to Provide Responses Within 20 Days

2. Tabulated list showing expected emissions and Emission Reduction Credits. Quail Brush will be unable to provide this tabulated list on March 8, 2012. Quail Brush is not required to acquire ERCs for air quality permitting purposes (i.e. an Authority to Construct) because it is not a major source of air emissions under SDAPCD rules. However, Quail Brush is in the process of determining the types and amounts of emissions mitigation that will be employed as part of this project. To the extent that ERCs will be acquired as part of any mitigation package, Quail Brush will be working with a qualified ERC broker/consultant to develop an overall mitigation plan. Quail Brush looks forward to working with CEC Staff to determine the appropriate level of mitigation and the development of a plan to meet those requirements.

With respect to the expected emissions, Appendix F.1 of the AFC provides emissions calculations and support data, and the total facility emissions are presented in the AFC Air Quality Section, Table 4.7-9. Quail Brush expects to be able to provide ERC, mitigation information and any updated table of expected emissions by May 15, 2012.

3. Proposed CEQA mitigation for non-attainment pollutants and precursor emissions. Quail Brush will be unable to provide this information on March 8, 2012. As discussed in response to

Data Request number 2 above, Quail Brush is still in the process of developing an overall air emissions mitigation plan and will be reviewing that plan with CEC Staff. Quail Brush expects to be able to provide this information by May 15, 2012.

16. List of appropriate projects from APCD to be included in the cumulative modeling analysis. Quail Brush will be unable to provide this list on March 8, 2012. On December 22, 2011, Quail Brush requested from SDAPCD a list of sources for the CEC cumulative analysis. Quail Brush has continued to follow-up with SDAPCD regarding the status of this list. Once SDAPCD supplies the cumulative project list for the CEC analysis, Quail Brush and its consulting staff intend to meet with the CEC Staff to confirm the appropriate scope of the list and obtain approval to move forward with the cumulative impacts analysis. In addition, Quail Brush has acquired a full version of the CARB CEIDARS emission inventory for San Diego County, which may be used to supplement the list that the SDAPCD will provide. Because production of this list is dependent on the SCAPCD, Quail Brush is uncertain when we will be able to provide the list to the CEC. Quail Brush will provide the CEC with updates of the status of this list when further information becomes available.

17. Cumulative modeling analysis. Quail Brush will be unable to provide this analysis on March 8, 2012. As discussed above, Quail Brush is working with SDAPCD to compile a list of sources, (referenced in Data Request #16), which is necessary to perform the cumulative modeling analysis. Once the list is finalized, the modeling will take two to four weeks to complete the CEC cumulative analysis, at which time Quail Brush will docket the analysis with the CEC.

18. Re-model the worst-case 24-hour PM10/PM2.5 impacts. Quail Brush will be unable to provide this analysis on March 8, 2012. Quail Brush is in the process of scheduling a call with CEC Staff to resolve whether more modeling is needed. If re-modeling is needed, it will take approximately 45 days to complete the analysis. Quail Brush expects to be able to provide this information by April 20, 2012.

22. Total amount of nitrogen deposition. Quail Brush will be unable to provide this information on March 8, 2012. Quail Brush is in the process of conducting spring biological surveys, which are expected to be completed by the end of May 2012. Quail Brush cannot calculate nitrogen deposition until after the spring biological surveys are complete. Quail Brush expects to be able to provide this information by July 2, 2012.

23. Isopleths graphic over USG 7.5 minute maps. Quail Brush will be unable to provide this information on March 8, 2012. As explained in our response to Data Request #22 above, Quail Brush cannot calculate nitrogen deposition until after the spring biological surveys are complete, after which Quail Brush can create the related graphics. Quail Brush expects to be able to provide this information by July 2, 2012.

24. Cumulative impact analysis of the nitrogen deposition values. Quail Brush will be unable to provide this information on March 8, 2012. As explained in our responses to Data Request #16, 17 and 22 above, Quail Brush cannot calculate nitrogen deposition until after the spring biological surveys are complete and the cumulative source list is agreed upon by SDAPCD and

the CEC. Quail Brush will provide the CEC with updates of this analysis, once the biological surveys are complete and the cumulative source list is finalized.

25. Potential mitigation strategies to decrease cumulative nitrogen deposition impacts. Quail Brush will be unable to provide this information on March 8, 2012. As explained in our response to Data Request #24 above, Quail Brush cannot provide cumulative impact analysis until after the spring biological surveys are complete and the cumulative source list is agreed upon by SDAPCD and the CEC. After the analysis referenced in our response to Data Request #24 is completed, Quail Brush will be able to provide mitigation strategies for potential nitrogen deposition impacts. Quail Brush will provide the CEC with updates as further information becomes available.

27. Final determination from the USACE regarding jurisdiction. Quail Brush will be unable to provide this information on March 8, 2012. Quail Brush plans to submit the Draft Waters and Wetlands Technical Report to the USACE by March 2, 2012 and anticipates receiving a reply within 30 days of the submittal date. Once the USACE has reviewed the report and agreed with its content, Tetra Tech will, if deemed necessary by the USACE, complete a Determination Package and submit for a formal determination. If the USACE decides that a formal determination is required, Quail Brush will docket it with the CEC as soon as it is provided by USACE. If a formal determination is not required, Quail Brush will submit documentation from the USACE regarding this decision.

29. Quino checkerspot butterfly protocol surveys. Quail Brush will be unable to provide this information on March 8, 2012. Quail Brush has commenced the Quino checkerspot butterfly surveys following the U.S. Fish and Wildlife Service protocol. Quail Brush will not complete these surveys until the end of March 2012. Quail Brush expects to be able to provide this information by May 15, 2012.

30. Map depicting locations of any host plants, Quino checkerspot butterfly adults and larvae found during surveys. Quail Brush will be unable to provide this map on March 8, 2012. As explained in our response to Data Request #29 above, Quail Brush will not complete the Quino checkerspot butterfly protocol surveys until the end of March 2012, after which Quail Brush will be able to provide the requested map. Quail Brush expects to be able to provide this information by May 15, 2012.

37. Finalization of the proposed location of the five-acre laydown and parking area. Quail Brush is unable to provide this information. As explained in Quail Brush's Supplement 2 to the AFC docketed on February 8, 2012, Quail Brush proposes to use a yet to be identified 5-acre area within the 20-acre laydown site located approximately two-thirds of a mile north of the plant site and depicted on Figure 1.1-1 (Project Layout) of Supplement 2. Due to the fact the 20-acre site is part of the active landfill, it will not be possible to identify the specific 5 acres that will be available and appropriate for use as a laydown and parking area until closer to the start of construction. Given the uniform nature of the 20-acre site, we do not believe that the identification of any specific 5-acre acre of the site would alter the potential environmental impacts associate with the project. Therefore, Quail Brush asks the CEC Staff to analyze Quail Brush's usage of any 5 acres within the designated 20-acre site.

38. Copies of the application materials submitted to the City of San Diego for CUP and SDP review. Quail Brush will be unable to provide these materials on March 8, 2012 because these documents are not yet available. The City of San Diego has a two-step process which begins with a Request to Initiate a Plan Amendment. The City's Planning Commission will hold a public hearing to decide the initiation request on March 15, 2012. Shortly thereafter, Quail Brush will submit the application materials for Plan Amendment, Rezone, CUP, and SDP. Quail Brush will provide copies of these applications soon after the March 15, 2012 Planning Commission hearing.

40. Conceptual hydromodification plan that will satisfy the City of San Diego's requirements. Quail Brush will be unable to provide this plan on March 8, 2012. As explained in our response to Data Request #38 above, the City of San Diego's Planning Commission will hold a public hearing to decide on Quail Brush's initiation request on March 15, 2012. Following receipt of approval to proceed with the amendment process, we expect to receive the necessary confirmation from the City and respond to this data request.

43. Updated information regarding the development status of the Sycamore Landfill Expansion project. Quail Brush will be unable to provide information regarding status of the Sycamore Landfill's project on March 8, 2012 as we are not involved with this project and we are unaware of any information that has been made available to the public.

58. Conversation with SDFRD confirming absence or mitigation of any expected impacts on the local fire district. Quail Brush will be unable to provide a response to this data request on March 8, 2012. Quail Brush is in the process of scheduling a meeting with SDFRD to discuss potential impacts on the local fire district. Quail Brush will provide the CEC with updates of our conversations with SDFRD.

Quail Brush will respond to the remainder of Staff's Data Requests, 1 through 58, on March 8, 2012.

I certify under penalty of perjury that the foregoing is true, correct, and complete to the best of my knowledge

Regards,



C. Richard Neff
Vice President



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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APPLICATION FOR CERTIFICATION
FOR THE *QUAIL BRUSH GENERATION PROJECT*

DOCKET NO. 11-AFC-3

PROOF OF SERVICE
(Revised 2/17/2012)

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DECLARATION OF SERVICE

I, Margaret Pavao declare that on, February 27, 2012 I served and filed copies of the attached Initial Response to Staff's Data Requests, 1 through 58, dated February 27, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at:

[<http://www.energy.ca.gov/sitingcases/quailbrush/index.html>]

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending an electronic copy to the e-mail address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 11-AFC-3
1516 Ninth Street, MS-4
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OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

